John Muggeridge
The New Sentimentalism

Fred Barnes
The New Liberalism

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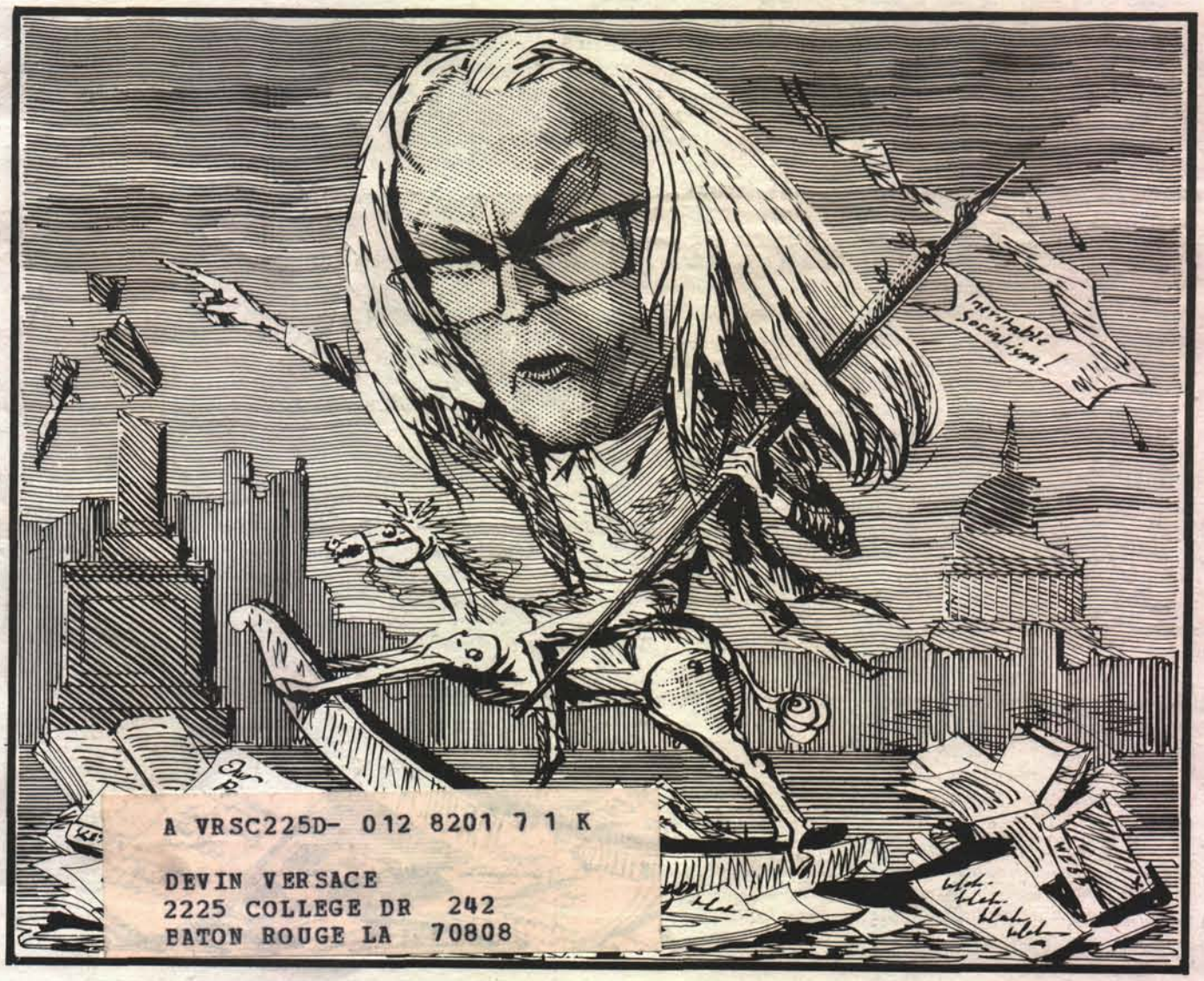
Nicholas Rothwell: Yellow Rain Diplomacy

Maurice J. Holland: The *Lochner* Era Revisited

Joseph A. Rehyansky: The Vietnam Vet Careerist

Herb Greer: Michael Foot, Britain's Man on Horseback



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EDITED BY R. EMMETT TYRRELL, JR.

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THE CONTINUING CRISIS

• The Christmas season is upon us, and as all who observe this gaudy American holiday know, that means it is time to shoplift. Students of the art tell us that more than eight billion dollars in merchandise will be purloined this Christmas season. That is the good news. The bad news is that three million of our fellow Americans will be nabbed by the authorities. Yes, during November and December fifty thousand citizens per day—many of them Christians, some of them Jews, and doubtless many more adhering to no faith whatsoever—will be arrested for nothing more than attempting to bring the blessings of the season to someone they love—often themselves. Who doubts that there exist throughout this great land of ours many learned profs and shrinks pious with their wisdom that shoplifters are not willful rogues at all but rather people suffering a sad curse. Some believe it genetic in origin. Others attribute it to the wretches' environment. Whatever their arcane diagnoses, all such quacks are in accord that the curse is more amenable to therapy and to human understanding than to thirty days in the hoosegow. We live in an era populated by giants. Aimee Semple McPherson never dreamed such feats were possible.

• On November 2 an ancient Soviet submarine manned by youthful Marxist-Leninist sailors on a training mission accidentally rammed a Swedish island very near that nation's Karlskrona naval base. For the Soviet youngsters it must have been a chilling experience. Certainly all were aware of the Scandinavian country's reputation for lewd women obsessed with things scortatory and immoral. Then too there were all those violent Volvo drivers, and, as Tass immediately reported, Sweden's long record of having "engaged in electronic espionage" against the Soviet motherland. Fortunately Soviet diplomats were able to use their incomparable knowledge of international law to gain the young sailors' release before things got out of hand. In London, a woman explaining that she had killed her lover because of "pre-menstrual tension" was set free two days before the *London Times* reported that progress had been made in treating pre-menstrual tension by sending sufferers to the hairdresser. And evidence mounts that a thaw is spreading throughout Iran. Responding to leftist charges that the regime of the Ayatollah Ruhollah Khomeini, D.D., is extracting blood from condemned prisoners, a spokesmullah at Evin prison went so far as to declare that such a practice was not even a very good idea.

• On November 7, the peace-loving Soviet Union celebrated the 64th anniversary of the October Revolution with a stupendous parade through Red Square featuring thousands of floats, some resembling sleek tanks, some resembling armored vehicles, and others resembling gigantic and jovial intercontinental missiles. Back in the United States, the Kapitalists continue to harass Miss Angela Davis, the chic and sultry Marxist activist now teaching enlightened thought at San Francisco State University. This time they are hounding her about some old student loans that she, a poor girl from the lumpen malaise, contracted back in the late 1960s. A San Diego municipal judge has ordered her to pay $2,212, all of which will doubtless be spent on bombs and White House china. New evidence has been submitted in that epochal Philadelphia divorce case wherein a 31-year-old homosexual, Mr. John DeSanto, is seeking a divorce from his "husband," 32-year-old Mr. William Barnsley, plus alimony. Hoping to prove the existence of a viable marriage and that he gave Mr. Barnsley the best years of his life, Mr. DeSanto has now given a Delaware County judge a wedding snapshot and two old anniversary cards, one of which was allegedly inscribed by Mr. Barnsley, "On our wedding anniversary, dear wife." And in New York City, Judge Mortimer Getzels has refused to let a 32-year-old homosexual adopt a 43-year-old homosexual on the sterile and prosaic grounds that the court had to reject any petition "where adoption will not result in creation of a parent-child relationship."

• The University of Pennsylvania continues to blossom with New Age wonders. Noting that "living alone can be a positive and creative experience," its Fall Catalogue of Special Programs is offering Living Alone and Liking It (601), a course that includes such intellectually engaging topics as Developing a Physical, Sensual Relationship with Yourself. Dr. Laura Primakoff of the University's Center for Cognitive Therapy is the instructor, and the course is being held at the Conference Room of the Insurance Company of America Building. Finally, at the University of California in Berkeley, male students and profs have been given back the night and are grateful. It now appears that those posters announcing a 10:15 p.m. curfew banning all males from campus were not the work of the University Police Rape Prevention and Education Project, but rather the work of a vicious group of non-university mongoloids, attempting to bring ill repute to the good name of this venerable institution and irreversible brain damage to some of the university's older professors. No wonder the Hon. Peter Rodino warns in the Democratic Congressional Campaign Committee's most recent fund appeal against "right-wingers . . . inflicting their frightening agenda" on America. The terrified males at the University of California in Berkeley have now experienced first-hand the vicious political schemes of what the Hon. Rodino terms "merchants of fear [and] bigotry." One hopes they will give generously before it is too late.

• In Washington, D.C., there appears to be a move afoot by officials at the Library of Congress to bar members of the House of Representatives from the Library's premises. Without identifying any politician in particular, Library officials complained to the *New York Times* last week about frequent disturbances caused by a patron who arrives at the Library with a yellow wastebasket over his head, another who wears a quiver of arrows while poring over old copies of the *Los Angeles Times*, and a lady so malodorous that entire sections of the building have emptied upon her approach. In Madison, Wisconsin, a 47-year-old male inmate of the Waupun State Prison who insists that he is "a woman trapped in a man's body" is suing the state for denying him "adequate medical care," namely: a sex-change operation with all the concomitant counseling and religious instructions. In Mason, Michigan, members of the Society for the Prevention of Cruelty to Animals went on the alert when a hunter was shot by his hunting dog.

• Mr. Reagan's budget director offered to resign following the appearance of an *Atlantic Monthly* article in which it was disclosed that if a politician is going to associate with journalists he must carry a capsule of cyanide on his person at all times. In Virginia Beach, Virginia, a jury convicted Mr. Orval Wyatt Loyd of killing his mother-in-law with a hatchet when he mistook the 270-pound woman for a raccoon. In Long Beach, California, the family of a college student killed by an exploding beer keg has filed a $50-million negligence suit against a fraternity, a brewery, and the keg's manufacturer.

• And finally, the long legal battle of Mrs. Katherin Lee Tommie, which began when her beloved husband Jerry Lee was found wearing her bra, panties, and wig, and hanging lifeless from a rope in the bedroom of their Princeton, Texas home, has ended triumphantly over the Connecticut General Life Insurance Company. Ever since May, 1978, when Mrs. Tommie returned from shopping to find Mr. Tommie in his wretched condition, she has contended that his death was accidental, the result of an autoerotic misadventure during which he had attempted to slow the flow of oxygen to his brain, thus heightening his pleasure. The insurance company was in doubt, and it was not until the case was brought to the Texas Supreme Court that the combination of Solomonic judgment and personal experience was available to end the argument forever. —RET

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C O N T E N T S

Yellow Rain Over Laos .....Nicholas Rothwell 7
A neglected page in the diplomatic history of the Carter Administration.

Robert Noziek, the Congenial Philosopher .....Don Herzog 11
Explaining why proof is not enough.

The Legacy of Constitutionalism: The *Lochner* Era Reconsidered... .....Maurice J. Holland 14
Judicial villains of yesteryear exculpated and set upright.

Over Here: Veterans in the New Age.....Joseph A. Rehyansky 19
Don't look back.

DEPARTMENTS

The Continuing Crisis..... 2
Editorial / Swedish Dreams of Empire .....R. Emmett Tyrrell, Jr. 4
Capitol Ideas / Good Writer Greider .....Tom Bethell 5
The Public Policy / Taxing Interest Rates.....Tom Bethell 22
Spectator's Journal / Reaganism Meets the Third World..... .....Anne Crutcher 24
Among the Intellectualoids / Hot to Trot, So What? ....John Muggeridge 26
The Nation's Pulse / A Few Liberals Sober Up .....Fred Barnes 29
Correspondence..... 32
Current Wisdom .....Assorted Jackasses 42

BOOK REVIEWS

Debts of Honour, by Michael Foot .....Herb Greer 33
Selected Letters of Raymond Chandler, edited by Frank MacShane .....Terry Teachout 35
The Persistence of the Old Regime: Europe to the Great War, by Arno J. Mayer .....T. John Jamieson 36
Journey to Nowhere: A New World Tragedy, by Shiva Naipaul .....Howard Kaplan 38

COVER Drawing by Elliott Banfield

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E D I T O R I A L

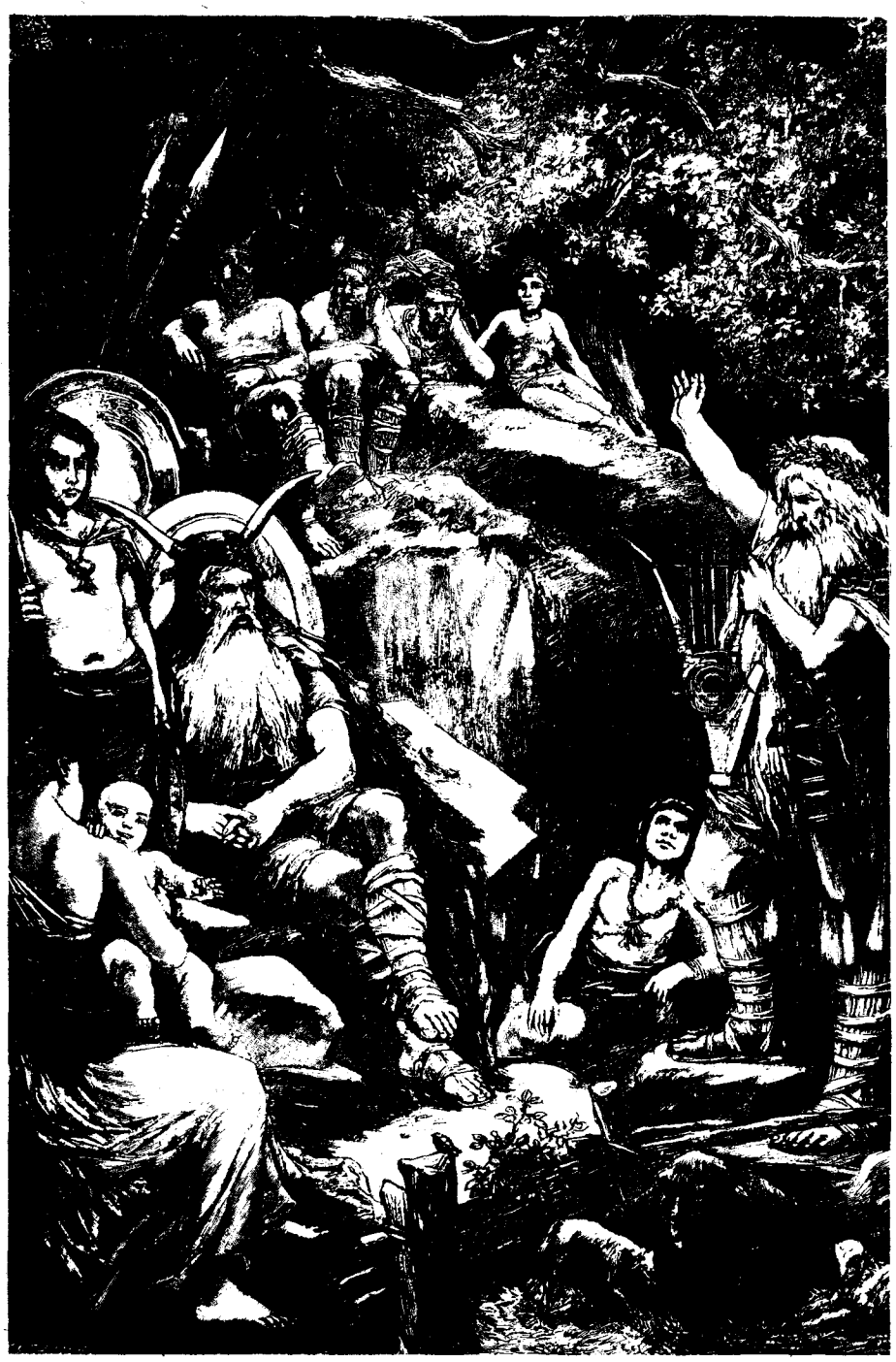
SWEDISH DREAMS OF EMPIRE

by R. Emmett Tyrrell, Jr.

Last month members of the worldwide peace movement temporarily had to ease up on their demonstrations against American militarism. These are turbulent and unpredictable times, and last month the world's greatest threat to peace was Sweden. To see Sweden, of all nations, lusting for violent confrontation must have been very distressing for peace activists everywhere. Remember the Stockholm Peace Congress? Remember the Swedes' exemplary neutralism over the past few decades? Yet in Sweden the pendulum has apparently swung back again.

Imagine! A small, obsolescent Soviet submarine runs aground while on a training mission in Sweden's tricky coastal currents, and the Swedish military starts rattling the saber. The Swedish politicos make political hay. Meanwhile the life of every youngster on that submarine is endangered, and the Soviets are depicted as warlike and devious—the same old stereotype. Such primitive political grandstanding was never committed when Mr. Olaf Palme and his Social Democrats ruled in Stockholm. Palme is now in the minority, however, and the Swedes are engaging in the same crude anti-Sovietism as the Reagan Administration. It will not be good for Europe.

Last month the Swedes followed a very reckless course. Why all the menacing oratory? Why all the fatuous legalism? Why not simply salvage the sub and send Moscow the bill? After all, the Soviets were obviously embarrassed enough. Is it really wise to intensify their deep sense of insecurity? Is it prudent to humiliate them when they have so many other worries: their defensive action in Afghanistan, the bellicose Poles, another uncertain wheat crop, and all those malicious charges in the Western press claiming the Soviet Union has developed the ghastly chemical and biological weapons now being used to annihilate Southeast Asians. With the Swedes acting like cowboys what chance will there be for a nuclear-free zone in Scandinavia?



Actually, through the whole imbroglio the USSR behaved very well—a point that doubtless has not been missed by such thoughtful American observers as Anthony Lewis of the *New York Times* and George Kennan, the seasoned student of Kremlin affairs. In the face of every Swedish provocation the Soviets were restrained, mature, and even somewhat droll—the sub's captain drawing his forefinger across his throat when asked the fate awaiting him back home—ha ha, that is a good one.

As for the captain's insistence that the sub had foundered owing to a faulty gyro and inclement weather, I find the explanation perfectly reasonable. Surely the Swedes are familiar with the technological wizardry of the Socialist Fatherland. In Russia a lot of junk wobbles off the production line. How well I remember the adventure of the South Korean Boeing 707 that, while on a commercial flight in April of 1978, wandered into Soviet air space undetected by the Soviet air defense system. Norwegian radar had spotted the plane immediately, but it was not until the airliner lumbered over one of the comrades' heavily guarded, top secret military installations—a flight of at least 18 minutes—that they caught on and scrambled to their MIGs. In the ensuing hysteria they blasted away at the plane killing two civilians and wounding ten others. Then they lost the plane completely for an hour and a half. The thing flew all over northern Russia before landing on a lake.

I have long held that it was during this chilling episode that the world experienced World War III. The Soviets are worriers. As soon as they lost sight of that damaged airliner my guess is that they let fly against all their enemies with every missile in their arsenal. It is just that things do

Adapted from RET's weekly column syndicated by King Features.

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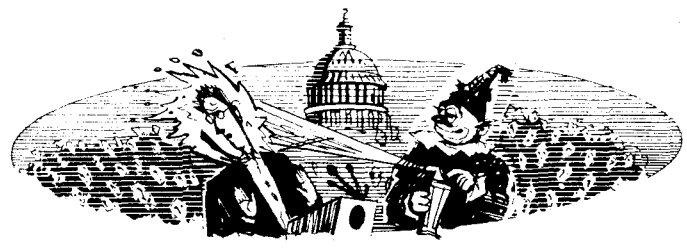
not work very well in Russia. We do know that a few days later President Brezhnev looked very haggard during meetings in West Germany. According to the press, he consumed a bottle and a half of vodka.

What should have been borne in mind by everyone last month is the point Kennan recently made in the *New Yorker,* to wit: The USSR is essentially a defensive power. If that sub was indeed gathering intelligence information, let us recall that Russia has been invaded many times. Swedish armies have fallen upon the Russians as recently as 193 years ago. The Russians have legitimate defense interests in the Baltic, as this frightening display of Swedish chauvinism makes clear. □

For a highly cerebral response to this editorial, see "Current Wisdom" on page 42.

CAPITOL IDEAS



GOOD WRITER GREIDER

by Tom Bethell

I have my doubts as to whether William Greider's article on David Stockman, published in the *Atlantic Monthly,* gives readers a particularly accurate impression of the budget director's thinking. George Gilder, a friend of Stockman's, says he is convinced that it does not. Someone else close to Stockman described it as "dishonest."

The problem with the article is that its overall effect is to magnify greatly such differences of opinion as exist between Stockman and other members of the Administration. (This magnification became even more distorted, of course, in the television camera's lens, where, curiously enough, the great ballyhoo about the article seems to have begun.) The distortion is analogous to that created by bar graphs that fail to depict all percentage points below a certain level, thus magnifying the differential.

The point is that someone in Stockman's position, in his dealings with Congress and the Administration, is bound to deal with the "moving parts" at the margins of the system. Rep. Phil Gramm is someone he can deal with; Rep. O'Neill remains unbudgeably opposed to everything that he stands for. In the course of months of conversation, then, it is not surprising if Stockman is occasionally impatient with Gramm, with whom he is working, but says not a word about O'Neill, who remains outside his orbit of negotiation. A 27-page article that presents these marginal conflicts as the Stockmanian Universe is therefore misleading.

This criticism is in no way intended to exonerate Stockman from the folly of exposing himself to such tried-and-false, award-winning journalistic tactics. I am only sorry that he had to find out in such a painful way that Greider was not his "friend" after all.

It is difficult to make the argument that an article is distorted if the victim of that distortion himself maintains a discreet silence on the subject. My impression here is that some sort of a "deal" may have been struck between Stockman and his Hay-Adams friend. (I am guessing here, with only a few hints to go by; despite repeated messages left at the *Washington Post,* Greider declined to come to the phone to confirm or deny.)

Stockman may, I suspect, have agreed to preserve a chastened silence about the article. In turn, Greider may well be suppressing further isolated quotes which could be more damaging to Stockman. Notice, incidentally, the oddity of Stockman's very muted complaint that there was an "honest misunderstanding" between them on the important matter of whether he would be quoted directly. (It is difficult to believe that Stockman sat through 18 sessions with a tape recorder running on the table without unequivocally establishing whether or not he would be quoted.)

At several points in the article, Greider skillfully makes his (not Stockman's) points by means of well-disguised editorials inserted between the Stockman quotes. Here's an example: "Stockman's interest was made clear to the others. He wanted a compromise on the tax bill which would substantially reduce its drain on the federal treasury and thus moderate the fiscal damage of Reaganomics." Note the conflation of

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Stockman's and Greider's thoughts, Does *Stockman* think that "Reaganomics" is something that does "fiscal damage"? No, Greider does.

At another point Greider stirs up an absurd little tempest with Stockman's admission in April that the policy needed "some calibration"—i.e., more spending cuts. "Reagan's policy-makers knew that their plan was wrong," says Rev. Greider, climbing up into his pulpit with a transparently inappropriate display of sanctimony, "or at least inadequate to its promised effects, but the President went ahead and conveyed the opposite impression to the American public." (Is this another Watergate we have on our hands?) Reagan actually "appeared on network TV to rally the nation in support of the Gramm-Latta resolution."

Reagan, of course, would have been only too glad to rally the nation in support of a bill that cut even more than Gramm-Latta—which is what Stockman knew was needed—but of course Reagan had to take what (minuscule) spending cuts he could get. The logic of Greider's position is that honest politicians should prefer no loaf to half a loaf.

Greider's article is also misleading because it implies (a) that supply-side economics has been tried and found wanting, and (b) that Stockman is opportunistically abandoning the sinking supply-side ship in consequence. The only quote that halfway supports the latter idea is: "I've never believed that just cutting taxes alone will cause output and employment to expand." This is an entirely orthodox position for a budget director, who can hardly be expected to argue that tax rate reductions will solve all problems and thus undermine the principal task and challenge of his job, which is to cut spending.

Supply-side theory, of course, has not yet been put to the test, inasmuch as the famous income tax rate reductions on which it is based still have not gone into effect, and still will not have by the end of 1981. (The tiny October 1981 rate reduction has been more than offset by social security tax increases and bracket creep, giving us a fairly hefty tax increase in 1981.)

"The theory of 'expectations' wasn't working," Greider writes. (What exactly did *Stockman* say here, one wonders.) It is not clear whose "theory" this is. Who has said that tax rate reductions will "work" before they take effect? I don't know. Perhaps Greider does. Assistant Treasury Secretary Paul Craig Roberts, on the other hand, wrote about 18 months ago that postponing income tax cuts forces people to postpone their income-producing behavior and advance their tax-deduction behavior, which in turn reduces current GNP.

It is not clear either from this article or anything else he has written that Greider himself understands supply-side theory. (He writes always of "tax cuts," not of "tax rate reductions," nor of the marginal changes that that phrase implies.) Greider's method is to ridicule rather than explain. He is a master of sneer tactics. He gives us "supply-side theology," with "supply-side apostles zealously defending their creed"; he gives us "the fiscal damage of Reaganomics"; again he gives us "theology," with Stockman "beginning to leave the church" since the supply-side "purists" were beginning to direct their "nasty barbs" at him.

It is perhaps revealing that Greider mocks with a religious metaphor. He is himself known in the *Washington Post* newsroom as a kind of clergyman manqué, someone who in earlier decades might have comfortably occupied a pulpit. When he was growing up in rural Ohio, Greider was strongly influenced by one of his grandfathers who delivered "heavy sermons" to the assembled company and who "thunders ominously" in Greider's memory.

For some time now Greider has been an interesting figure in Washington journalism. He is widely known as the "good writer" of the Washington press corps. Does one scribe bring up the name of Greider at a gathering of scribblers? Another will say "good writer" as one might mutter a Pater Noster at the sound of the Angelus bell. I well remember one quiche-and-Chablis gathering after Charlie Peters of the *Washington Monthly*, in attendance, had written about the need for "national service" as an opportunity to instill patriotism. This had prompted some terrible Greiderian rage in the *Washington Post*. Patriotic calls seem about as welcome to him as holy water to the devil: "Why is Peters pushing this vicious . . . a rotten idea . . . pushing *my* children into involuntary servitude." (Phew! If it's coercion he doesn't like, maybe Greider should attack busing, affirmative action . . . on the other hand, if it's patriotism he doesn't like. . . .)

"Old Greider came on a bit strong, didn't he?" I asked Charlie Peters.

"Yes," he said mildly (loyal to the verities), "but he's a good writer."

Good *writer?* I puzzled over this good-writer business for many a Greider column, trying to see the good writing in it. Not that it's so bad—merely indistinguishable from that of a score of left-of-center press-corps missionaries. Then one day I saw what everyone was talking about. It's not the writing so much as the camouflage. Greider is clever at keeping his ideology under rhetorical cover: sometimes dressed up as impartial pragmatism ("Nothing but us budget-balancers here . . ."), at other times wrapping it in sarcasm and contumely. (He lets us know what he thinks of the McCarthy Era by calling Communists "Commies".)

If you (mentally) half close your eyes and absorb the mood and tone of a Greider article, what comes through unmistakably is a sense of disgust and indeed rage directed at this unregenerate nation: *still* defending conservatism and traditional values, *still* anti-Communist, *still* capitalist, *still* mired in all these old-fashioned notions which should have been swept away by now, to be replaced by the New Collectivist Dawn, with all wealth and power in the hands of the state, whence it will be distributed fairly, equitably, compassionately. But none of this is said openly or directly. (People in sensitive news media positions can't afford to seem too ideological: They are supposed to *transmit* the news, not shape it. But that is too boring, like being a Western Union teletype operator, so the thing is to find a way of shaping it unobtrusively, without having people yell "Lefty" at you as you walk down the street.)

That is why Greider is a "good writer." He has learned how to disguise his essentially left-wing ideology, as have many other journalists in Washington, who, to a remarkable degree, share this ideology. (See the article "Media and Business Elites" by Robert Lichter and Stanley Rothman, in the October/November issue of *Public Opinion*, for dramatic confirmation of this.) Greider has mastered, and indeed played a role in promulgating, the quiet, unobtrusive language of covert collectivism: "new realities," "a complex world," "simplistic solutions," "can't turn the clock back," "aspirations," "compassion," "equity," "sensitive," and so on. It fooled Stockman, that's for sure.

Having said all that, let me add that one day I was enjoying brie and chablis with some of Washington's clerks, scribes and pharisees, when, having gone through the "William Greider—Good Writer" ritual, with appropriate genuflections, someone said: "You know who's another good writer? Al Hunt." Not Al Hunt of the *Wall Street Journal*, I thought. *Et tu Brute?* □

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Nicholas Rothwell

YELLOW RAIN OVER LAOS

A neglected page in the diplomatic history of the Carter Administration.

Slowly, a cloud of yellow rain began to fall from the sky. It was a fine morning in May 1978, and the small village of Bang Non Po in Central Laos was about to be eradicated.

The assistant chief of the village of Hmong tribesmen, Yong Mang Yang, had heard the drone of an aircraft minutes before but had scarcely looked up from his work. He heard no explosions as the MIG-21 fighter circling above him dropped four brown rice-sacks from its belly, then turned and headed northwards. The bags split, releasing another cloud of yellow fumes. In the windless spring morning, the cloud dropped silently toward the houses of the village.

Minutes later, Yong Mang Yang saw his people beginning to die. There were only a few families in the village, and 14 of their members died in the gas attacks. Almost all the rest fell severely ill. Moments after the yellow rain touched them, the women and children began vomiting and blacking out, followed seconds later by the men.

Yong Mang Yang could smell nothing, and he could not breathe through his nose, which ran and itched. He staggered through the cloud, feeling as if sand were in his eyes, crying tears of blood, realizing he was blinded. Minutes after the rain cleared, he himself began vomiting, his stomach ached, and he felt a crushing sensation in his chest. Gradually, his skin turned reddish and small black spots formed all over his body.

Bang Non Po was attacked by the yellow rain four times within the next year. Scores of other villages in the rough hill-country in Central Laos, inhabited by Hmong tribesmen, were also attacked by Pathet Lao government planes releasing clouds of toxic, bright-colored gas. After the last attack, which was the most severe, Yong Mang Yang, as assistant village chief, composed a letter to the area hospital at Bon Don requesting emergency help. Days later, a messenger reported that a medical team would be sent to the village to "check into the matter."

Several weeks afterwards, a six-man Lao medical team arrived and diagnosed the villagers' illness as "fever" rather than the after-effects of chemical warfare. The Pathet Lao district leader, Taseng Mai Chank, told Yong Mang Yang what to do. "If you are attacked again," he said, "shoot the plane down for proof."

Although such evidence has for the most part been studiously ignored, the campaign of poison gas attacks carried out against the Hmong people in the central hill-country of Laos between 1977 and 1979 is well documented. Some of the information comes from interviews conducted in the Ben Vinay refugee camp in northern Thailand. Yong Mang Yang's story is one of 40 separate accounts of gassings told over the past three years to refugee workers and State Department personnel, and later made public.

But in addition to these interviews, there is another set of findings which is not as widely known. Based on interviews with Laotian government defectors and various other sources, it was compiled into an amorphous body of U.S. intelligence assessments and included in some drafts of a State Department report on chemical warfare in Southeast Asia,* and apparently also in materials made available to the House subcommittee which in late 1979 began hearings on the matter.

Although all the major powers have had nerve gas stockpiles since before World War II, chemical warfare has hardly ever been used before. To understand how such a blatant breach of international law was permitted to continue in the face of overwhelming evidence—the scarred and pitted bodies of refugees—one must begin with the history of the Hmong.

Laos has been a battlefield for 30 years. Once part of French Indochina, then an independent kingdom, it was overrun during the 1960s by the Communist Pathet Lao guerrillas, who gradually wrested control of the country from Western-backed forces. As a vital part of the Ho Chi Minh Trail supply line for the Vietnam war, Laos was inevitably part of the sphere of

Nicholas Rothwell is a reporter for the Australian, *a national newspaper published in Sydney.*

*These internal documents do not disclose the organization that conducted the studies. They simply state that "the U.S. government has received a report."

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influence of Vietnam—a "sideshow" in Indochina if ever there was one. During the sixties, the United States mobilized several clandestine groups to fight the Pathet Lao and the North Vietnamese. The most famous of these was the CIA's "secret army" of Hmong tribesmen, led by the charismatic General Vang Pao. The fall of Laos to Communist forces in 1975 did not end their struggle, if only because they knew their past resistance had marked them for reprisals.

Vang Pao, now resettled to a farm in Montana, claims the first gas attacks against the Hmong villages began in early 1976. Whatever the case, systematic campaigns were not mounted until the next year when Pathet Lao soldiers began to encounter organized military attacks by Vang Pao's men.

When first reports of the Pathet Lao campaign came out, they were discounted as tall stories—the evidence, after all, came from a "biased source," the Hmong, who were tainted by their association with Vang Pao. As reports became more frequent in the late seventies, events in Laos were overshadowed by the tragedy of Cambodia. The few American State Department employees, Australian relief workers, and Western correspondents in Thailand who first heard of the gassings found their efforts to alert the public scarcely encouraged by the Carter Administration's desire to improve relations with Hanoi. In addition, anything having to do with the after-effects of the clandestine role played by U.S. intelligence during the Vietnam conflict rankled the guilt-laden Carter foreign policy. So did concern that closer study of the Hmong tragedy itself might point to the use of discarded U.S. weapons and supplies in the gassings. Finally, during the Carter years U.S. policy-makers, including the Congress, were reluctant to pursue growing evidence of Soviet complicity in the gassings.

Thus, even though samples of the poison gases were obtained, and exact dates, places, and even a long roll of the names of the Hmong victims established, it has taken Western leaders a full three years to admit openly that the Laotian government has lived up to its promise to "exterminate the Hmong" and that it has done so with Vietnamese—and Soviet—support.

Regular gassings had been underway for two years when the U.S. House of Representatives Subcommittee on Asian and Pacific Affairs held a hearing in December 1979 on the "Use of Chemical Agents in Southeast Asia Since the Vietnam War." Ironically, one purpose of this inquiry was to establish beyond any doubt that American herbicides left behind in Vietnam at the end of the war, such as Agent Orange, were not being used in the attacks on the Hmong. "I hope we will be able to put to rest any fear that those lethal agents used in Laos are captured American stocks left over from the war," said Rep. Lester Wolff (D-NY) at the outset of the hearings.

Rep. James Leach (R-Iowa) said he had been given "persuasive corroborating evidence" that the poisons came from the Soviet Union. "Our intelligence agency," Leach added, however, "has determined for national security reasons that this information should not be made public." One reason for this reluctance may be that the evidence implicates captured U.S. weaponry in the gassings. But more importantly, the information also details Soviet involvement in the gassings.

Most of the critical information given to the House subcommittee members came to U.S. intelligence from two Laotian defectors, both pilots who had flown on the gassing missions (many of the investigators in the State Department and U.S. Army Medical Corps who worked with the refugees in Thailand had no knowledge of any of this information). The pilots provided chapter and verse on the entire operation, including how it was run by the Vietnamese and Soviets.

The first narrative is the story of a Laotian People's Liberation Army Pilot, who began flying chemical warfare operations against Hmong resistance strongholds in 1976. The missions, "specifically intended to dispense toxic chemical agents on Hmong villagers" in the vicinity of Phou Bia—one of the hide-outs of Vang Pao's secret anti-Communist army—began in April or May 1976. They were flown in Soviet-built Ilyushin L-19 "Ravens" or in converted T-41 Cessnas, as part of a coordinated operation between the Laotian army and the People's Army of Vietnam.

The first sign that a special campaign was to be mounted came when two Laotian helicopters were flown from the Phonsavan airfield in Xieng Khouang province to Long Tieng on a series of missions that transported rockets back to Phonsavan for storage. The entire operation was mounted within the hills of Central Laos. The backbone of the country is a series of steep ridges and valleys, covered in jungle. The area is impassable to conventional troops. It was these hills, the territory of the Hmong, that the Laotian army had decided to target. Their bases were strategically located within striking range, and any resistance soldiers trying to flee to Thailand would have to cross enemy lines at least once in a month-long trek.

Between June and August of 1976, the Laotian air force Ravens mounted several attacks on Vang Pao's troops in the same area, concentrating on the redoubt of Bouamlong. Rocket attacks were made, but the crews responsible for loading rockets on the attack aircraft were told that the special ammunition moved to Phonsavan should not be used—even though Phonsavan was much nearer the target zone of Bouamlong than was Long Tieng, where the aircraft rearmed. These conventional attacks on Bouamlong went on for three months, until the dry season began. Then, the special rockets were brought from Phonsavan to a depot near the Ban Xon airfield and were fitted onto special external arms racks on the L-19s.

The pilot claims he flew some missions using American-manufactured warheads which came in two parts, with the tip and canister separated for storage and then joined together before being loaded onto the aircraft racks. But all the special rockets loaded at Ban Xon were already joined. Part of the pilot's routine pre-flight check called for him to examine the tip

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portion of the new rockets. Most of these, he saw, were loose at the point where tip and canister joined, unlike ordinary explosive-type rockets.

In late 1976, in preparation for airstrikes against two Hmong strongholds—the villages of Phou Bia and Kasy—Laotian pilots began to fly reconnaissance missions. Piloting a Cessna, the Laotians would take two or three Vietnamese army staff officers at a time on detailed overflights of Hmong villages. Then the first attacks began.

Initially, only Laotian officers accompanied the pilots on the airstrikes, but a fortnight into the campaign, Vietnamese officers began riding in the rear seats of the L-19s and alternating missions with the Laotians. All the Vietnamese spoke excellent Lao, and would go over situation maps of the target areas with pilots before the mission, just as the Laotian commanders did.

The pilots knew nothing about the targets until they were told what to attack at the pre-flight briefings. A different Vietnamese officer was assigned to each strike. They never communicated with Laotian ground officers during the flight. Before every mission that carried the special rockets, the L-19 pilots were warned by Laotian commanders to fly at above normal altitudes when firing the rockets; otherwise, the operation could prove hazardous to the crew. The pilot could see the rockets which he was firing at the Hmong were little more than smoke dispensers. Unlike ordinary ground-burst explosive shells, they detonated in the air, some producing a mixture of white and blue smoke, some red and yellow.

Before each mission, the pilots were given a pep talk by their commander. They were told the purpose of firing the rockets was to "cause the Hmong people to die out completely." This type of operation would "wipe out" the reactionary Hmong people.

The pilots were also warned to keep the smoke rocket missions secret. During the two years that the pilot flew these missions, he learned from the Laotian People's Liberation Army officers who flew with him that there were two types of rockets. The first kind, the smoke rockets, could only be fired at targets away from combined Laotian and Vietnamese troops. But the second kind, conventional close-support rockets, could be fired near friendly troop positions. The L-19 raids at first carried five conventional rockets and three smoke rockets. But later only four rockets, normally all smoke ones, were carried.

At the end of every strike in which smoke rockets had been used, the pilot was returned to a "rest house" at Phonsavan where an army doctor and nurse would give him a physical examination. By 1978—the year when the most serious effects from the gassings are reported—the pilot was being given a very thorough physical check by the doctor, and being "closely watched" by the nurse.

Gradually, an elite corps of pilots who flew the L-19s on the special missions formed. They were allowed privileges unheard of in the Laotian army. In addition to the standard pilot's salary of 12,500 kip monthly, they received a bonus of 3,700 kip daily as additional "flight pay," and free meals at Phonsavan. This special treatment continued until late 1978, when a squadron of MIG-21 fighters supplied by the Soviet and Vietnamese air forces took over the attacks on Phou Bia.

Coincidentally, U.S. intelligence sources also received some of the most detailed information of the whole campaign from Hmong refugees who were driven into Thailand by the same series of repeated attacks during 1978. This makes it possible to piece together just what effect the raids carried out by the L-19s had on the "enemy tribesmen" below.

Hmong from the same central highlands of Laos described a bewildering variety of different-colored clouds of gas, all producing deadly symptoms. One Lao National Forces officer claimed he had seen Soviet observers inspecting a village after a chemical attack on July 15. Repeated attacks on Phou Bia and the nearby center of Phu Kong Klao were reported. Other refugees said small aircraft had fired rockets at their villages. These had released a yellow powder that contaminated water supplies and produced "harmful gases." Whoever drank the water began to vomit, their eyes turned red, and they died within the hour.

Phu Kong Klao had been hit repeatedly, with the last chemical attack of 1978 occurring in October. L-19s had fired rockets which released green or red smoke that caused unconsciousness, vomiting, and bleeding from the mouth and the nose. The gas was dangerous for a week unless washed away by rain. Those badly affected died within 24 hours. Refugees said 1,200 people had been killed by the gas in this area alone.

The eyewitnesses of attacks on Phou Bia said propelled aircraft—probably the L-19s—had dropped two or four rockets from external racks on several passes over the village. The rockets had released a green cloud that caused headaches, dizziness, vomiting of blood, and death shortly afterward. There was also a "yellow gas" which was even more rapidly acting than the green one.

Other sources described earlier attacks in the Phou Bia region. A pair of Hmong children reported two aircraft dropped a green gas which killed their parents within 20 minutes, although there were no visible signs of injuries and "they appeared to be asleep." Another attack, said to have killed 1,000 villagers, involved green, red, and yellow gas drops. Those exposed to the gases began to vomit, ran about, lost their balance, and died within ten minutes. Reports were even received of accidental attacks on friendly villages by aircraft with Vietnamese markings, which dropped chemicals that led to the death of 300 Hmong, mostly children, who had sided with and even sheltered the government troops.

A report from the second Laotian pilot, who had defected after serving in the Lao People's Democratic Republic Air Force, confirmed many of these details. He provided information about the gas attacks carried out against the Hmong of Phou Bia, and said chemicals had been dispensed from light aircraft by Lao People's Libera-

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tion Army units in a concerted campaign in May 1978.

From his account, the secret American report of the gas operation was compiled. It read in part:

> The LPLA unit responsible for the chemical warfare rockets is a special LPDR Air Force unit to which is attached a Soviet expert. In Vientiane there are three persons, led by a Socialist Republic of Vietnam expert, who are responsible for putting the chemicals into the heads of U.S. manufactured jackets.
>
> At Phong Savan, Xieng Khouang province, there are two persons responsible for this activity along with four Soviet experts. In Savannakhet province, there are two other persons responsible for Southern Laos.

In spite of all the compelling and detailed evidence that systematic poison gas attacks on the Hmong people were taking place, the House subcommittee concluded that evidence of Soviet involvement in the gassings was "circumstantial."

It was not until September 1981, when the Reagan Administration produced chemical analysis of foliage affected by the spray of "yellow rain," that U.S. officials even suggested the poisons had been supplied by the Soviet Union. Documents on which the foregoing account is based, however, show that American intelligence knew more than three years ago that Soviet personnel were managing the gassings.

The Soviet Union rejects allegations that it prepared the poisons used to kill the Hmong tribesmen and says the United States is trying to blame Moscow for what it did itself in Vietnam. "The world public knows the extent of American chemical warfare during the U.S. intervention in Indochina," announced a Novosti Press Agency statement released last fall to rebut the new American allegations. The official news agency Tass asserted that the United States is only repeating these charges to prepare Americans for a limited nuclear war in which it will use its own chemical weapons. In late November, a five-man UN medical team investigating reports of chemical warfare in Southeast Asia and Afghanistan reported that it "found itself unable to reach a final conclusion as to whether or not chemical warfare agents had been used." The team was headed by Viacheslav Ustinov, the UN Under Secretary General for Political and Security Council Affairs and former head of the Soviet Ministry of Foreign Affairs "Third African Department."

The Soviet reluctance to admit to any role in the gassings is understandable. Less understandable, however, is the implicit sympathy it received from unexpected quarters: Even as the subcommittee held its hearing on December 12, 1979, U.S. diplomats were presenting the Soviets with the detailed reports of their evidence that the Lao government was gassing the Hmong. This was done at the request of the Congress, since the Soviet Union, "as the principal sponsor of Hanoi, particularly in the military sphere, had special responsibility to join with the United States in seeking permanently to outlaw the use of chemical agents in warfare."

Such actions led American diplomats in Thailand, who had been directly exposed to the horror of the refugees' stories, to decide that only firm evidence—in the form of samples of the poison gas itself—would convince public opinion. This step led to a quest for hard evidence, such as trees and clothing charred or partly destroyed by the unknown gas. Odd samples had already been brought over the border by Hmong refugees, but were in such poor condition they could not be chemically analyzed.

The yellow rain in fact turned out to be not one, but many different chemical agents. A rainbow of toxic gases had colored the skies above Laos. As discussed above, Soviet and Vietnamese supervisors had been seen, according to refugees, checking the effects of the poisons. For two years attempts to isolate known chemical poisons on the foliage collected proved fruitless. Because the clouds had been described as "yellow rain" the experts tested for mustard gas, soman, and other nerve gases. Eventually, a journalist, Mr. Sterling Seagrave,† pointed out that the reported symptoms of the yellow rain sprayed in Cambodia, Laos, and Afghanistan coincided with those caused by a class of chemicals known as mycotoxins.

A specific poisonous mycotoxin group, trichothecene, derived from the grain mould, *fungus fusarium,* has been frequently reported as a naturally occurring poison in the Soviet Union. The tricothecene mould isolated on foliage sprayed by the poison gas could not occur naturally in Southeast Asia, and could not grow naturally anywhere in such heavy concentrations. This was the "compelling but preliminary" evidence presented on September 14 by United States Secretary of State Alexander Haig.

But was it less "circumstantial" than the information given American intelligence three years before—in the middle of the gassing campaign—which was kept secret for want of proof while thousands of Hmong continued to suffer and die? The information was gathered in late 1978. The large-scale gassings went on in Laos until at least May 1979, while American diplomats asked Soviet officials to "use their influence" to stop the attacks, even though the intelligence community had intimated to Congress that Soviet experts were running the campaign.

The Hmong made perfect targets. Their villages were small and isolated. Their reports of the attacks tended to be exaggerated. Their regard for detail did not match the needs of Western officials looking for "hard evidence." It was next to impossible to draw up an accurate picture of the military operations being conducted against them.

The last surge of attacks in Laos began in June 1979—the same month that Jimmy Carter and Leonid Brezhnev embraced each other, signed the Salt II treaty in Vienna, and pledged themselves to fight for world peace. □

†Seagrave's findings have since been detailed in his new book, *Yellow Rain* (M. Evans and Company, Inc., $11.95).

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Don Herzog

ROBERT NOZICK, THE CONGENIAL PHILOSOPHER

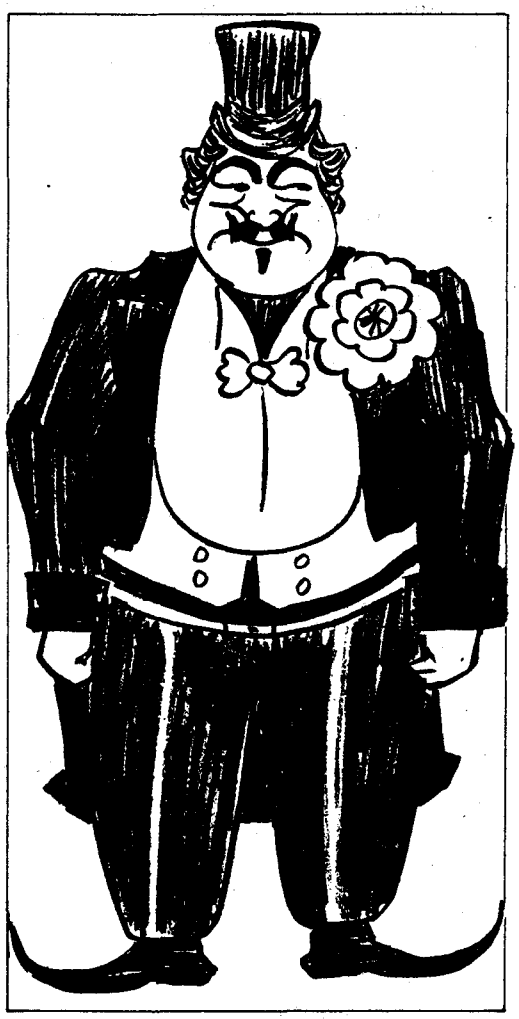
Explaining why proof is not enough.

The history of philosophy, I sometimes think, provides all the materials for a roustabout drama. Intellectual giants storm across the stage, thundering noble eloquences on being and becoming. Self-effacing waifs groan piteously over their sad state and wonder how it was all possible. One peculiarly ornery fellow sits on the side, wondering aloud whether it *is* all possible. And some engage in rapid-fire, devastatingly dry and witty dialogue which puts Shaw to shame. Hounded mercilessly, then enshrined as the glowing center of educated circles (theirs the "queen of disciplines"), then abandoned a bit contemptuously to prattle on gaily to their minds' content, the characters easily engage our attention. I am not sure whether to cast the drama as comedy, tragedy, or farce; but it is surely one of decline and fall.

No longer celebrated figures or even political actors, philosophers these days push on a bit uneasily on the sidelines, cultural artifacts any comedian can march out for a cheap laugh. There are different theories about the fall. On one view, it is a sign or perhaps even the cause of the decadence of modern society, and what we need now is a return to (oddly enough) ancient Greece, its gruesome and bloody brand of democracy conveniently whitewashed for the occasion. On another, flaunted earlier this century by the logical positivists, philosophy's decline is nothing but science's progress, and we ought to yearn fervently for the day some bold unified science will have crushed most of the traditional questions of philosophy: We can then dismiss the rest as gibberish. I entertain a rather more prosaic view, focusing on ever-increasing differentiation in economy, society, and academe. It's no surprise that philosophers these days turn out forbiddingly technical books with forbiddingly high prices to match. And I must confess that it is hard, even for an amateur devotee of the field, to maintain much of a sense of intellectual urgency in plowing through a book on the syntax of conditionals, or yet another study of illocution, perlocution, and speech acts.

So it is a pleasure to find Robert Nozick's new book, *Philosophical Explanations,** bulging with fascinating discussions of questions many philosophers have been diligently avoiding. A run down the table of contents: personal identity; "Why Is There Something Rather Than Nothing?"; what knowledge is, and why skeptical possibilities (couldn't you now be floating in a tank around Alpha Centauri, quite unconscious, with expert psychologists chemically and electrically stimulating your brain so that you experience reading this review?) don't undercut it; free will and determinism; the foundations of ethics; and "Philosophy and the Meaning of Life." It is still more a pleasure to find that these discussions are profoundly illuminating as well as entertaining, and that they hang together in a unified view.

*Harvard University Press, $25.00.



What are philosophers up to, anyway? What are they seeking? In what may well be the most valuable discussion of the book, tucked innocently away in the introduction, Nozick contrasts philosophical proof and philosophical explanation. As metaphilosophy, the discussion is compelling; as psychology, right on the mark.

Sometimes, says Nozick, what philosophers want to do is take a belief they have and shove it, whether you like it or not, into your head. They believe their view is right, and presumably important enough to warrant the shoving. So philosophy becomes a coercive activity. "The terminology of philosophical art is coercive: arguments are *powerful* and best when they are *knockdown*, arguments *force* you to a conclusion, if you believe the premisses you *have to* or *must* believe the conclusion, some arguments do not carry much *punch*, and so forth."

Nozick diplomatically refrains from offering examples. But consider Kant's strategy in the *Groundwork of the Metaphysics of Morals*. He wishes there to show that his categorical imperative underlies morality, and further that as a rational agent you are committed to accepting that categorical imperative. At the end of the book, Kant tries to back the skeptical reader into a corner. The idea is that to speak meaningfully, as against emitting a piece of verbal behavior, is to concede that Kant is right. For meaningful speech, Kant thinks, presupposes a whole metaphysics and epistemology which lead straight-away to the categorical imperative. (Needless to say, the argument fails, quite grotesquely.)

Once made explicit, this view of philosophy is decidedly unattractive. We're all libertarian enough to cringe at the prospect of a professionally trained thought police cramming True Beliefs into our skulls.

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Besides, it's not even a plausible view. Nozick points out that the sanctions philosophers wield are weak. Generally speaking, they can accuse us of inconsistency or irrationality if we refuse to accept their proofs. But so what? Suppose I subscribe to beliefs in universal equality, but am a racist, or a slaveholder. A philosopher can quickly demonstrate to me that I'm contradicting myself; what he wants, I suppose, is for my racism to disappear, or for me to free my slaves. But I could instead stop believing in universal equality. ("Oh, if *that's* what it means I don't like it at all.") Or I could maintain both beliefs, and tolerate an inconsistency. We tolerate massive inconsistencies all the time.

"Perhaps," Nozick muses, "philosophers need arguments so powerful they set up reverberations in the brain: if the person refuses to accept the conclusion, he *dies*. How's that for a powerful argument?" But rather than hunt for better sanctions, Nozick wants to emphasize a different path of philosophical inquiry, as a way both of making sense of the history of philosophy and of offering a more attractive picture of doing philosophy.

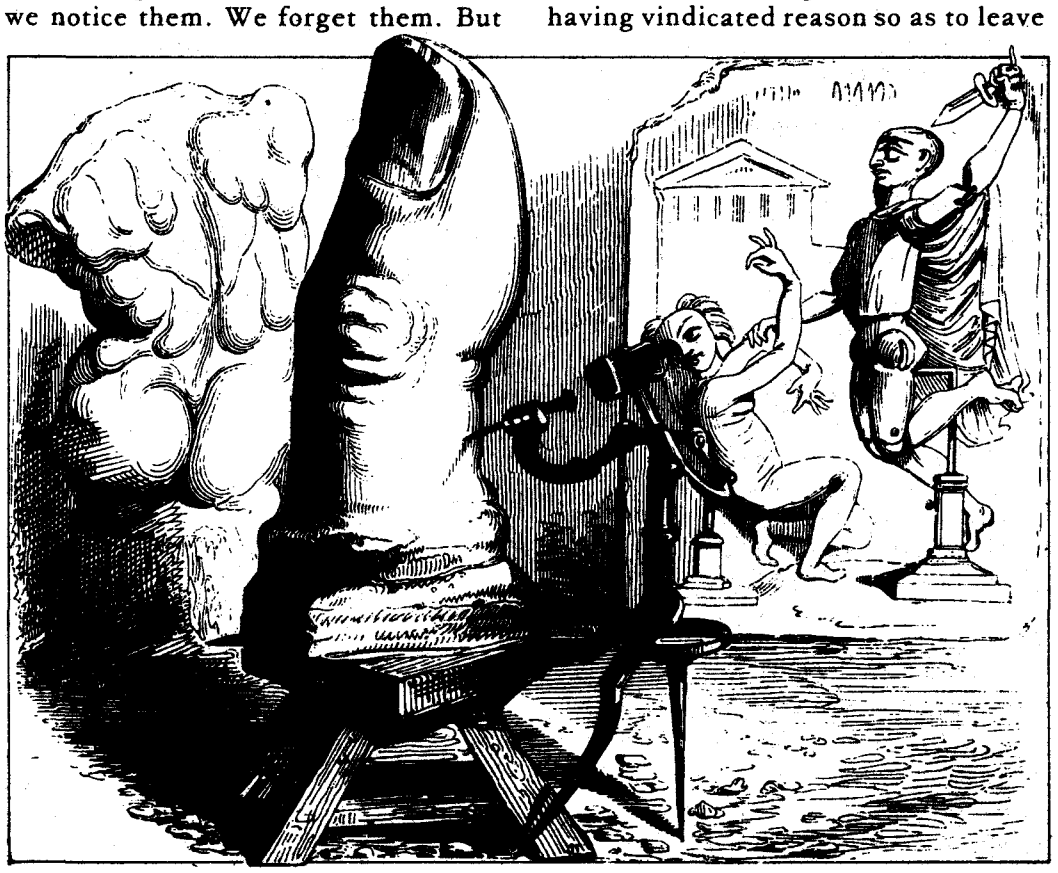
Typically, philosophical puzzles arise when it appears that a number of beliefs don't fit together. If all our actions are causally determined, by causes stretching back to before we were born, how can we be free? If we're going to die, and eventually no one will remember us, or the universe will wind down, how can our lives be meaningful? If God is infinitely powerful and infinitely good and infinitely knowledgeable, why are there people starving in Africa? Why doesn't He make it rain manna there? And so on.

Most of us are ruthlessly pragmatic about such problems, on the rare occasions we notice them. We forget them. But philosophers try to work out a solution, a way of showing that the beliefs do fit together, after all. We can be free when our actions proceed from our will, whether or not the will is caused. We can live meaningful lives by transcending our finite egos and connecting up to the godhead. It doesn't rain manna in Africa because this is the best of all possible worlds, and if it did other things would be even worse.

Those may be bad solutions; but they are attempts to meet the problems, not denials of their existence. However crude, they represent just the tack Nozick wants to take in replacing philosophical proof with philosophical explanation. We want to explain how some p could be true, given something else we believe, some "apparent excluder," which seems to make p false or even impossible. And "The task of explaining how p is possible is not exhausted by the rearguard action of meeting arguments from its apparent excluders. There remains the question of what facts or principles might give rise to p. Here the philosopher searches for deeper explanatory principles, preferably with some independent plausibility, not excluded by current knowledge."

What p's do we want to explain? Since Socrates, philosophers have often pretended (and surely it must be pretense) to be searching after the truth, whatever it is, with no commitments of their own to defend. That can't be right. There are an infinite number of true statements (how many grains of sand at Coney Island, and so on), but philosophers have been interested in just a chosen few. Furthermore, they *want* to reach the conclusions they do, or conclusions like them; both questions and answers depend on philosophic predilections. It's no coincidence that Hume takes ironic pleasure in his skeptical attacks, that Kant congratulates himself on having vindicated reason so as to leave room for God and morality. Not only do values frame the agenda, they make some views look more attractive and compelling.

Nor need we think that it's a shame that values play into theorizing, and that the disembodied truth is the ideal we should strive for. Nozick wants to defend our status as valuable, dignified, even precious entities in the universe, against debunking attacks by determinists (you can't act freely), skeptics (you don't know anything), and the like. Surely he need not apologize for this commitment.



One of the views philosophers have wanted to defend is that morality is objective, that it is part of the fabric of the universe, the very nature of things. For it seems only if this is so can we be sure that one of the participants in a moral or political debate—preferably the other fellow—is wrong, *really* wrong. Otherwise, there may just be a disagreement on ultimate ends, elected arbitrarily: The difference between us and Hitler isn't that we're moral and he's profoundly evil, but that he has one set of ends, we another. As Nozick says, in a related vein, "In discussions of ethics one sometimes thinks, 'how could one convince some particular evil figure, say Stalin, Hitler, or Mao, that he is wrong; if there is no argument guaranteed to convince him, doesn't that show that ethics really is subjective, merely a matter of preference or opinion?' " (Echoes of this worry probably play into the Moral Majority's comic plaints on secular humanism, a lovely catch-all—hence vacuous—concept.)

That view leads directly to nasty attacks on moral skeptics, those who have denied the objectivity of ethics. In 1705, Samuel Clarke protested that moral truths "are so notoriously plain and self-evident, that nothing but the extremest stupidity of Mind, corruption of Manners, or perverseness of Spirit, can possibly make any Man entertain the least doubt concerning them." John Locke, who held a divine command theory of morality, trumpeted similar guff some thirty years before: "Those only doubt of a Supreme ruler and an universal law, who would willingly be under no law, accountable to no judge; those only question another life hereafter, who intend to lead such a one here as they fear to have examined, and would be loath to answer for when it is over."

Skepticism about morality, though, need not be motivated by stupidity, corruption, perversity, or downright wickedness. It has its home, I think, in epistemology, the theory of knowledge. Nozick sums up the picture well: "Ethical truths find no place within the contemporary scientific picture of the world. No such truths are established in any scientific theory or tested by any scientific procedure—microscopes and telescopes reveal no ethical facts. In its guise as a complete picture of the world,

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science seems to leave no room for any ethical facts or truths." Nor, I might add, is it simply science which creates the puzzle. We can agree there are nonscientific truths and still have a puzzle on our hands. If true statements describe the world, telling us how the world *is,* but morality is supposed to tell us how the world *ought* to be, how could a moral statement be true or false?

So the puzzle persists. Note that we need to avoid backsliding into an attempt to hammer out a moral theory with which we can in turn hammer our opponents over the head. What we want instead, on Nozick's view, is an explanation of how there could be an objective morality. Nozick pursues the explanation in a way which makes the distinction between explanation and proof doubtful. For he wants to bring in our basic moral views—that others are to be respected, for example—and begins by wondering what dimension underlies the judgments we actually make. But that means the purported explanation will smack of proof: It will at once show how some moral view could be objective (explanation) and show how ours in fact is (proof). Officially, this discussion should be very different from that of *Anarchy, State, and Utopia,* where Nozick talked unabashedly about finding "the truth about ethics and political philosophy," and wrote in a way intended to assault the reader. But, though the tone in the new book is much gentler and more engaging, the drive to show that some view is correct shines through both.†

But Nozick doesn't want to show that morality is objective because he wants to convert immoralists. The motive for pursuing the puzzle comes from elsewhere, from his discussion of free will. There he lends qualified allegiance to the view that, roughly speaking, free will consists in doing something because it's right. So (Nozick thinks) if it turns out that nothing is right, *really* right, there will be no free will, and we will be the puppets of causes stretching back to before we were born, and—I leave to you the rest of the slippery slope, leaving us valueless beings floundering at the bottom.

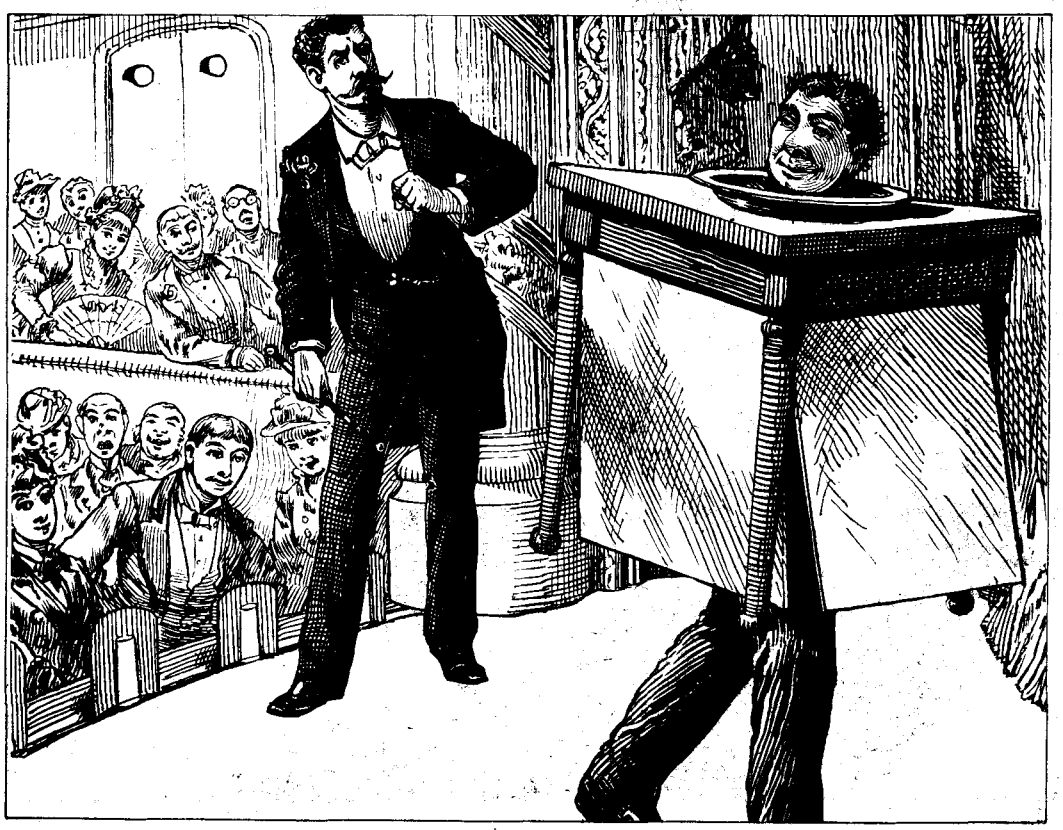
Nozick's discussion of ethics is wonderfully complicated and challenging, and I have no interest in rendering a brummagem version of it here. Instead, I want to defend (I hope not too cryptically) what might look like a paradox: Objective value, if it existed, would pose an insuperable obstacle to human dignity.

We're used to thinking that we could be the puppets of causation, driven willy-nilly, our deepest desires and aspirations shaped by genes and environment. (Recall that neither side in the nature/nurture controversy has anything to say about free will.) And we're used to thinking of that as threatening. Don't objective values pose just the same kind of threat? If they exist, dangling out there in some ontologically solid way, or instantiated in concrete realizations as a formal structure can be (as Nozick would have it), aren't we their puppets? So we go dutifully marching through life, connecting up with value. What would be the point of that?

We want room for autonomy in ethics, room too for some notion of what the point of it all is. And so does Nozick. He is willing, even eager, to concede that there are different worthwhile conceptions of the good life. And though he talks of the *foundations* of ethics, a metaphor suggesting a finally exhaustive and solid grounding, he wants to join ethics in turn to notions of a meaningful life in a way which leaves each coalescing into the other (the values had better be meaningful, and the meaning had better be valuable). Finally, he is willing to have us affirm that organic unity, his candidate for value, *be* value, and not just some descriptive relation.

Here I respectfully part with Nozick. Much of the rest of his tale seems to me excessively complicated, motivated by the quest to make sure that the ethics he is defending will be objective. (In a revealing moment, Nozick urges that there simply *can't* be a universe in which it's morally permissible to mangle or destroy creatures like us.) The salient features of his account are strikingly similar to those of a very different tradition of thought we can lump together under the sadly uninformative rubric of existentialism. (I include Dostoevsky, Nietzsche, Kierkegaard, and Camus.) On both views, we confront an apparently meaningless and valueless (or, in Nozick's suggestive metaphor, "dark") universe, and have to inject meaning and value into it. And on both views, there is a real sense in which it is up to us. Unlike our friend Samuel Clarke's objective moral relations, part of the very nature of things and as ontologically respectable and solid as tables and chairs, both Nozickian and existentialist value is precarious, fragile, flirting always with a Tinkerbell extinction. And unlike, say, Ralph Waldo Emerson's universe, which clicks happily along with a Law of Compensation guaranteeing that evil is punished, the universe as Nozick and the existentialists see it is one in which value itself has no causal efficacy whatever. It is once again up to us to pursue and respect it.

What existentialism suggests, and what some philosophers in the Anglo-American analytic tradition (Philippa Foot, Alisdair MacIntyre) believe, is that we can have a perfectly respectable moral and political theory without uttering even a monosyllable about objectivity. Animating much of the older philosophical literature, and a good deal more ordinary discussion, is a fallacy of false alternatives: Either morality is objective, or it is "mere personal preference," just like the choice between vanilla and chocolate ice cream. And here I respectfully part with the existentialists, who spend Gadzooks too much time



†I note for those interested in *Anarchy, State, and Utopia* that the moral theory of the new book will not serve well as the moral foundation lacking there. Quite briefly, libertarian views have profited by focusing on isolated individuals: Think of Locke's acorn gatherer, Nozick's Wilt Chamberlain. It is hard to say one shouldn't get his acorns, the other his money. Yet it's a long way from acorns and quarters to market institutions, and the argument from one to the other would require bringing in extensively social considerations where rights seem less at home. Nozick wants to say now that what rights we have depends on our domain of autonomy, and that the domain should include "a range of important and significant choices." Since those choices are not spun out of thin air, but rather generated socially, there will be some imposing obstacles on the road from the abstract moral theory presented in the book to the politics in the old one.

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portraying some mythic lonely individual teetering on the edge of some existentialist precipice, blindly and arbitrarily affirming some set of values.

But it's no coincidence that we tend to affirm strikingly similar values. We don't each spin our moral and political views out of thin air. Rather, they are to a large extent socially generated. They have histories of their own, and in the process of becoming persons we are shaped by the values. Society doesn't afford us some monolithically unified morality or political theory. There are competing conceptions afoot, and so we have the working room to step back a bit and question particular commitments. But never, I think, do we step all the way back and make up a whole new set.

If objectivity is to mean that values are (somehow) really out there, and subjectivity that we arbitrarily choose them, then it seems quite legitimate (and tempting) to say that values are neither subjective nor objective. What we need is an account of how that could be, how value works, how personal identity works, how society is possible, and so on; we need a unified theory of the sort Nozick offers. No small order, that; and I regret to report that I haven't such an account up my sleeve. I regret still more to report that attempts to argue for such a view often meet with chilly receptions, or worse yet horror and revulsion:

"Then you think when two people disagree on a moral or political question, it need not be the case that one is wrong." Sure. Oh, one could be misunderstanding some principle he holds, or not observing the logic of the moral concepts, or simply contradicting himself. But more often they have a good faith, informed disagreement on their hands. Note that my picture of how the argument proceeds looks pretty much like that of the objectivist. Each will appeal to the other to recognize unsavory implications of his view; each will argue for the conceptions of humanity embodied in his own views. Since there is no magic wand we can wave at the disputants to find out which one is wrong, really wrong, insisting that the dispute can "in principle" be settled makes not a whit of difference so far as our practice goes. I am pragmatist enough to think that should put an end to this issue.

"Then you can't condemn strange practices in faraway societies." Of course I can. From my point of view, animated and informed by a set of often inchoate principles oozing with import for ethics, politics, and more, they may be repugnant, even intolerable. And yes, I would be glad to stop, using force if necessary, a prospective cannibal, even though I know that on his view what he's doing is acceptable, sensible, even richly meaningful. Only some elementary logical confusions mandate my keeping hands off. Though I do tend to be fairly tolerant about other social practices. And since we don't run into cannibals and the like, I wonder why it matters one way or the other what we say about them.

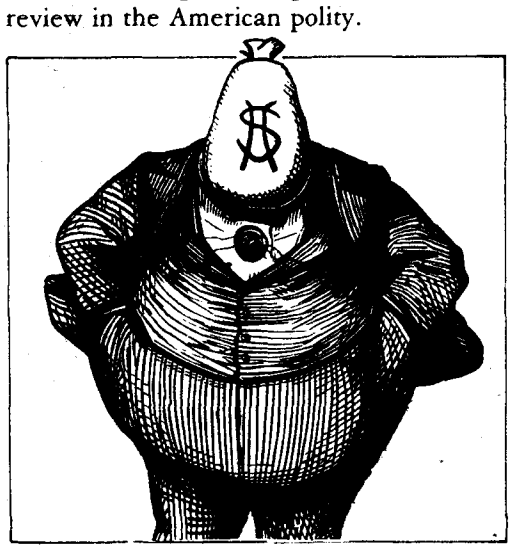
"So you think Hitler wasn't wrong, really wrong." Unutterably inhumane, cruel, despicable, yes; objectively wrong, no. But we don't want arguments to show why Hitlers are wrong, really wrong. We want to keep them out of power. Failing that, we want to shoot them. □

Maurice J. Holland

THE LEGACY OF CONSTITUTIONALISM: THE *LOCHNER* ERA RECONSIDERED

Judicial villains of yesteryear exculpated and set upright.

The publication last year of Bernard H. Siegan's scholarly polemic *Economic Liberties and the Constitution** was an important event. The book stands much of what has long been established as the accepted history of American constitutional interpretation squarely on its head. Anyone even cursorily acquainted with that history, particularly as it relates to the post-Civil War era, will confront in these pages a quite familiar account of the great Supreme Court cases and major doctrinal developments, but with the conventional designations of heroes and villains almost totally reversed. Louis Brandeis, Oliver Wendell Holmes, Earl Warren, William Douglas, and Hugo Black, among other luminaries of the liberal judicial pantheon, are severely taken to task, while such unlikely figures as James McReynolds, Rufus Peckham, and Joseph Bradley are singled out for praise. The latter group, far more than the former according to Siegan, displayed true fidelity to the constitutional ideals of the Framers and had a sounder understanding of the place of judicial review in the American polity.



Siegan begins by reiterating that, *pace* Garry Wills, the Founders of the American Republic were for the most part Lockeans in their political philosophy, and hence believed that the principal purpose of government is to preserve and protect rights conferred upon individual citizens by the law of nature rather than by the dispensation of the state. Preeminent among such rights, which because anterior are superior to positive law, are those of acquiring, using, and disposing of property. The transition from the state of nature to the condition of civil society entailed, according to Locke, Blackstone, and the Founders, acceptance of certain qualifications on the enjoyment of property and other natural rights in the interest of securing the practical protection for them which only organized society and effective government could offer. Thus private property could be condemned and taken for public purposes, but only upon payment of fair compensation. It could, moreover,

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justly be subject to reasonable regulation by law in order to prevent one person's property from being used to diminish the value of another's (e.g., by abatement of a nuisance), or to protect the public weal (e.g., by regulation of natural monopolies). The scope of legitimate curtailment of property rights was quite narrowly defined, however, by the institutions of the common law of England as developed to what most of the Founders regarded as the stage of its ultimate perfection in eighteenth-century practice and as distilled in theory in the pages of Blackstone's *Commentaries.*

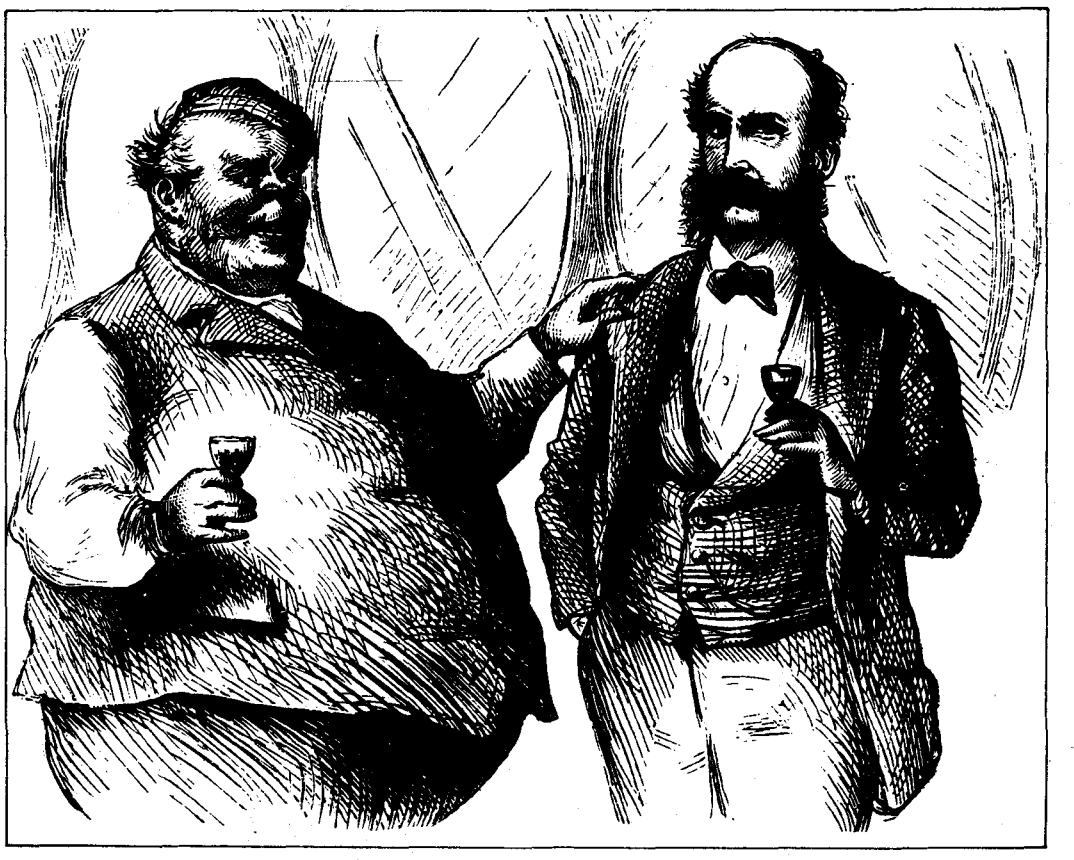
Siegan points out that, while the Framers of the U.S. Constitution were prepared, albeit some quite reluctantly, to commit the infant Republic to the fundamental premise of popular sovereignty, they also harbored considerable trepidation about what Madison called "the tyranny of the majority," and had been schooled as well by their pre-Revolutionary experience with the British Parliament to distrust the notion of legislative omnicompetence. They also foresaw that such devices as the property-qualified franchise, indirect election of senators, and the electoral college in its original incarnation would probably be eroded by the passage of time and the irresistable impulse of democratic egalitarianism. Thus the Framers devised a written constitution which, in addition to establishing a separation of legislative, executive, and judicial powers, prescribed a number of important limitations upon governmental power, including the prohibition in the Fifth Amendment, subsequently made applicable to the states in the Fourteenth, against deprivations of life, liberty, or property without due process of law. To ensure the effectiveness of these limitations *vis à vis* the active branches of government, the executive and the legislature, in which both the power and occasional temptation to transgress them would reside, the Framers envisioned—"provided" would be inaccurate since nothing in the Constitution expressly so provides—that the courts, both federal and state, and the Supreme Court in the final instance, would be empowered and obligated to invalidate any exertions of governmental authority, including legislation, which they found to be inconsistent with said limitations.

For a prolonged period, in fact until well into the twentieth century according to Siegan, the courts of this country, emboldened by the statesmanship and eloquence of John Marshall, well understood their responsibility and vigorously executed their function as preeminent guarantors of individual rights, including property rights, against majoritarian excess and legislative overreaching. Judicial vigilance against unconstitutional encroachments on the prerogatives of property owners was broadened and intensified after the Civil War for a variety of reasons. Most important was the adoption of the Fourteenth Amendment in 1868, which imposed upon the states the obligation to accord citizens due process as a matter of federal law, thereby giving federal courts jurisdiction to strike down state legislation on grounds far broader than previously available. This enlargement of federal judicial authority was significant particularly because it occurred just when state governments, in response to industrialization and the emergence of more sharply divergent economic interest groups, were about to embark upon a number of reform measures at odds with laissez-faire policy. The conferral of enhanced authority coincided, in other words, with vastly increased occasions for its exercise.

Only slightly less important was a major elaboration upon the meaning ascribed to the term "liberty" which, along with life and property, was protected against legislative restrictions not measuring up to the increasingly rigorous, judicially defined standards of due process. To confront and turn back the burgeoning anti-free market legislation emanating from the states, judges required something a bit more muscular and dynamic than the due process clause as applied to property rights traditionally conceived, since these tended to be rather passively delineated, focusing on the freedom to acquire property and security against quite palpable forms of its deprivation at the hands of government. The definition of judicially protected liberty was therefore expanded to include the newly minted "liberty of contract," which quickly took on a decidedly active, entrepreneurial—one is tempted to say Gilderian—cast. As Siegan rightly notes, the critical decision in the transformation of the venerable right not to be arbitrarily deprived of the ownership of property into the novel and expansive right not to be hindered in its exploitation and exchange was *Allgeyer* v. *Louisiana,* written by the esteemed Justice Rufus Peckham whose notorious *Lochner* opinion a few years later established him as the high priest of laissez-faire constitutionalism. The following language from the latter, in which a New York statute limiting the number of hours for which bakery workers could be employed was struck down, suggests the distinctly laissez-faire gloss placed upon the due process clause by the jurisprudence of the late nineteenth-century Supreme Court:

> . . . The statute interferes with the right of contract between the employer and employees. . . . In every case . . . the question necessarily arises: Is this a fair, reasonable and appropriate exercise of the police power . . . or is it an unreasonable, unnecessary and arbitrary interference with the right of the individual . . . to enter into those contracts in relation to labor which may seem to him appropriate . . . for the support of himself and his family?
>
> . . . The question whether this act is valid as a labor law, pure and simple, may be dismissed in a few words. There is no reasonable ground for interfering with the liberty of person or the right of free contract, by determining the hours of labor, in the occupation of a baker. There is no contention that bakers as a class are not equal in intelligence and capacity to men in other trades or occupations, or that they are not able to assert their rights and care for themselves without the protecting arm of the state. They are in no sense wards of the State.
>
> . . . There is, in our judgment, no reasonable foundation for holding this [act] to be necessary or appropriate as a health law. . . . If this statute be valid . . . there would seem to be no length to which legislation of this nature might not go.
>
> . . . *We do not believe in the soundness of the views which uphold this law.* [emphasis added]

For decades now, this opinion has been presented to students of constitutional law



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as representing judicial review at its worst, with the justices of the Supreme Court imperiously substituting their view of the reasonableness of economic regulation for that of the people's elected lawmakers and rebuking legislators as though they were errant schoolboys. In fact, it is Holmes's famous dissent in *Lochner* that invariably inspires admiration, especially his mordant remark: "The Fourteenth Amendment does not enact Mr. Herbert Spencer's *Social Statics*." Most modern constitutional historians charge the *Lochner*-era Court with giving unbridled vent to the dogmas of laissez-faire economics and Social Darwinism by insisting upon the norm of unfettered competition. A different, and perhaps more accurate, way of stating it is that the Court was guilty of elevating to constitutional dignity the highly restricted scope of legitimate operation conceded to the police power by classical common law, with its individualistic, vested-rights orientation and its contemplation of a rather inert legislature acting in a somewhat marginal, interstitial capacity. In so doing, the judiciary was in a sense making common law, in its generality if not in its particulars, superior to legislation, thereby shackling the most likely source of reform and adaptation in public policy.

It is a measure of Siegan's departure from the foregoing standard interpretation that what it deplores and condemns he applauds in glowing terms. The *Lochner* era is for him a veritable Golden Age of sound and steadfast constitutionalism. Justice Peckham and his confreres, in fact, wrote better than they knew. Whereas they condemned anti-competitive regulation out of an *a priori* hostility to it, Siegan enlists contemporary "Chicago School" studies of business regulations which demonstrate that measures of the maximum-hours-of-bakers sort are most often economically irrational, injurious to the public welfare, harmful to those purportedly benefitted, and inspired by politically potent special interests seeking legal insulation from competition from small concerns or erstwhile new entrants. The Court was, in other words, doing in *Lochner* and its progeny nothing more than what it was intended by the Framers to do: protecting the rights of those unable to fend for themselves in the give and take of the political process from the predations of benighted or spurious majoritarianism.

The gravamen of Siegan's indictment of the modern Supreme Court is that, quite suddenly, unaccountably, and unjustifiably, it withdrew constitutional protection from a wide range of activities falling under the broad heading of economic. With the way prepared by Holmes and Brandeis, and under the impact of Roosevelt's abortive "court-packing" plan and the raft of liberal appointees which followed, the New Deal Court, in the most abrupt doctrinal shift in the history of the tribunal, virtually disclaimed any competence to set aside legislation touching upon economic or property rights, interred the notion of "liberty of contract" as though it were a malodorous cadaver, and made "Lochnerizing" an opprobrious epithet denoting judicial usurpation of the rawest kind. In the nearly 50 years since this great juridical somersault, few justices have shown any proclivity for even a limited restoration of economic due process as a serious limitation on legislative power. The most that Siegan can find to applaud in recent Supreme Court decision-making is the rather awkward realization that economic or commercial interests cannot be so sharply or readily distinguished from the so-called expressive interests which the post-New Deal Court has been especially eager to protect. The discomfiture of such stalwart liberal foes of judicial intrusion into matters of commercial regulation as Justices William Brennan and Thurgood Marshall, when confronted by cases involving "commercial speech," campaign finance legislation, or efforts to curtail public lobbying advertising by corporations, wherein First Amendment rights were successfully asserted, affords some ground for sly satisfaction.

Siegan closes with a call for a return to the sound tradition and practice of judicial review envisioned by the Framers and established by the courts throughout the whole of their history until the New Deal demission. Such a return would entail a renewed sense of both authority and obligation to scrutinize legislation of all kinds, regardless of whether it restricted economic or other freedoms, against the due process criterion of substantive rationality. In support of this position, Siegan argues that the abandonment of entrepreneurial activities to the unchecked whims of legislative will was in the first place "unconstitutional," since nothing in the Constitution warrants a judicial preference for some kinds of rights over other. The Framers, in other words, would have been astounded to find that pornographers, for example, had become singled out for special judicial solicitude, while producers of more mundane goods, such as automobiles or farm machinery, were left to the mercies of untrammeled majoritarianism. To the obvious objection that the broadened ambit of judicial review he advocates would necessarily embroil the judges in difficult policy and value judgments and nearly insoluble questions of degree, since the "reasonableness" of legislative restrictions upon liberty will remain the test of their validity, Siegan rejoins that judgments in the economic area are no more problematic than those which the modern Court has been rendering with abandon in such areas as national security, freedom of expression, establishment of religion, and equal protection. This point may be freely granted, although it is questionable how much encouragement for Siegan's thesis one should be willing to derive from it.

There is much in this book that is useful and insightful, and that has long needed saying. The justices of the *Lochner* era, so long the object of ridicule and contempt at the hands of glib liberals, were overdue for the kind of appreciation Siegan brings to their work. However much in thrall they may have been to the regnant economic and social theories of their time, Justice Peckham and his ilk at least managed to articulate and implement a coherent and principled theory of judicial review, something in rather short supply on the Court since the judicial revolution of the 1930s.

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Bearing all this in mind, many readers will find themselves caught unawares by Siegan's principal conclusion—that the remedy for unprincipled judicial activism lies in further extending such activism into spheres largely left alone by the courts in recent decades. And no doubt they will also find themselves in strenuous disagreement with this conclusion, particularly if they believe that the institution of judicial review has fallen into a lamentable state of disrepair, or think that the least of its problems is that it does not patrol a broad enough precinct, or doubt that anything salubrious is likely to follow from its being encouraged to roam about the polity even more at large. That Siegan is led finally to prescribe so dubious a course as yet greater aggrandizement of authority on the part of an institution already surfeited with self-assumed authority stems from a pervasive shortcoming of this work, namely, the absence of a broad historical sense.

Like so many lawyers, Siegan writes about courts and the Constitution as though they were self-contained mechanisms. His focus is too narrowly professional. As a mechanic might be expected to appraise an engine solely in terms of its efficiency and smoothness of performance—what else, after all, does one expect from an engine?—so lawyers are prone to appraise judicial performance primarily with reference to criteria of essentially professional interest only, such as coherence of doctrine, the candor and craftsmanship of opinions, the deft balancing of freedom and constraint in the handling of precedent, and so forth. These are facets of judging which should never be denigrated, and it is surely both proper and understandable that lawyers writing about courts should try to convey to laymen a due appreciation of them. But in writing about American courts, the Supreme Court in particular, analysis which proceeds wholly within these terms of reference will not suffice. This is because the constitutional role of American courts gives them a significant part to play in the formulation of public policy and, in the case of the Supreme Court, with increasing frequency, a decisive part as against the other branches of government. Hence the workings of the American judiciary, including the ebbs and flows of various constitutional doctrines, cannot be satisfactorily understood other than as, at least in part, political phenomena, subject to all the influences at work in American society that impinge upon its politics. The dynamics and interrelationships of such influences can be discerned only through an imaginative and encompassing exercise of the historical sense, particularly the sense of what the past forecloses in the future.

An example of this book's shortcomings in this regard is the explanation—absence of explanation really—which Siegan offers for the sudden jettisoning of economic due process in the 1930s. This is described, located precisely in time by reference to specific critical decisions, and elaborately deplored, but not really accounted for. At the risk of overdoing the engine metaphor, one gets the impression from reading Siegan that FDR replaced a bunch of "sound" justices with "defective" ones, somewhat in the manner of changing sparkplugs, and this has caused the Supreme Court to misfire and malfunction ever since. To restore proper functioning, all that is required is that President Reagan and his successors fill future vacancies with new justices of the Bradley-Peckham-McReynolds brand, and when the last of the defective variety have been replaced, judicial review will once again begin to purr on all cylinders.

Siegan leaves out of his account the great forces at work in both American politics and jurisprudence which brought about the collapse of the old edifice and which make its restoration impossible. Even if one substitutes Milton Friedman's *Free to Choose* for Herbert Spencer's *Social Statics*, it is simply impossible that any future Court might be assembled which would be prepared to interpret the Constitution as foreclosing any choices of economic policy, however inimical to free market ideals or competitive efficiency, which any American legislature is likely to make. This is because prospective Court appointees, regardless of whether "liberal" (i.e., welfarist, interventionist, redistributionist) or "conservative" (i.e., the opposite of the foregoing), will find themselves unable to replicate the vision and values of the *Lochner*-era jurists. They may be as fervid in their devotion to competitive efficiency and minimal government as Justice Peckham ever was, but they will not be able to unlearn the lessons which the intervening years have taught, especially to conservatives, about the proper role of the judiciary and the prudent interpretation of the Constitution. These can best be summed up in the following words of Justice Holmes, again from his *Lochner* dissent:

> But a constitution is not intended to embody a particular economic theory, whether of paternalism and the organic relation of the citizen to the State or of *laissez faire*. It is made for people of fundamentally differing views, and the accident of our finding certain opinions natural and familiar or novel and even shocking ought not to conclude our judgment upon the question whether statutes embodying them conflict with the Constitution of the United States.

The above is one of the classic formulations of the case for judicial restraint. Behind it lay Holmes's earlier great work, *The Common Law,* which profoundly affected American legal thought, paving the way for the emergence of legal realism early in this century. The justices of the Old Guard apotheosized the common law as an embodiment of right reason, possessed of transcendent and immutable validity, a kind of secularized and nationalized continuation of the religious and cosmopolitan natural law tradition of the Middle Ages. This was what enabled them so confidently to strike down legislation as "unreasonable," that is, as restricting freedom of action beyond what the common law traditionally sanctioned. All that was required was to incorporate wholesale the strictures of the common law into the due process clause, a step

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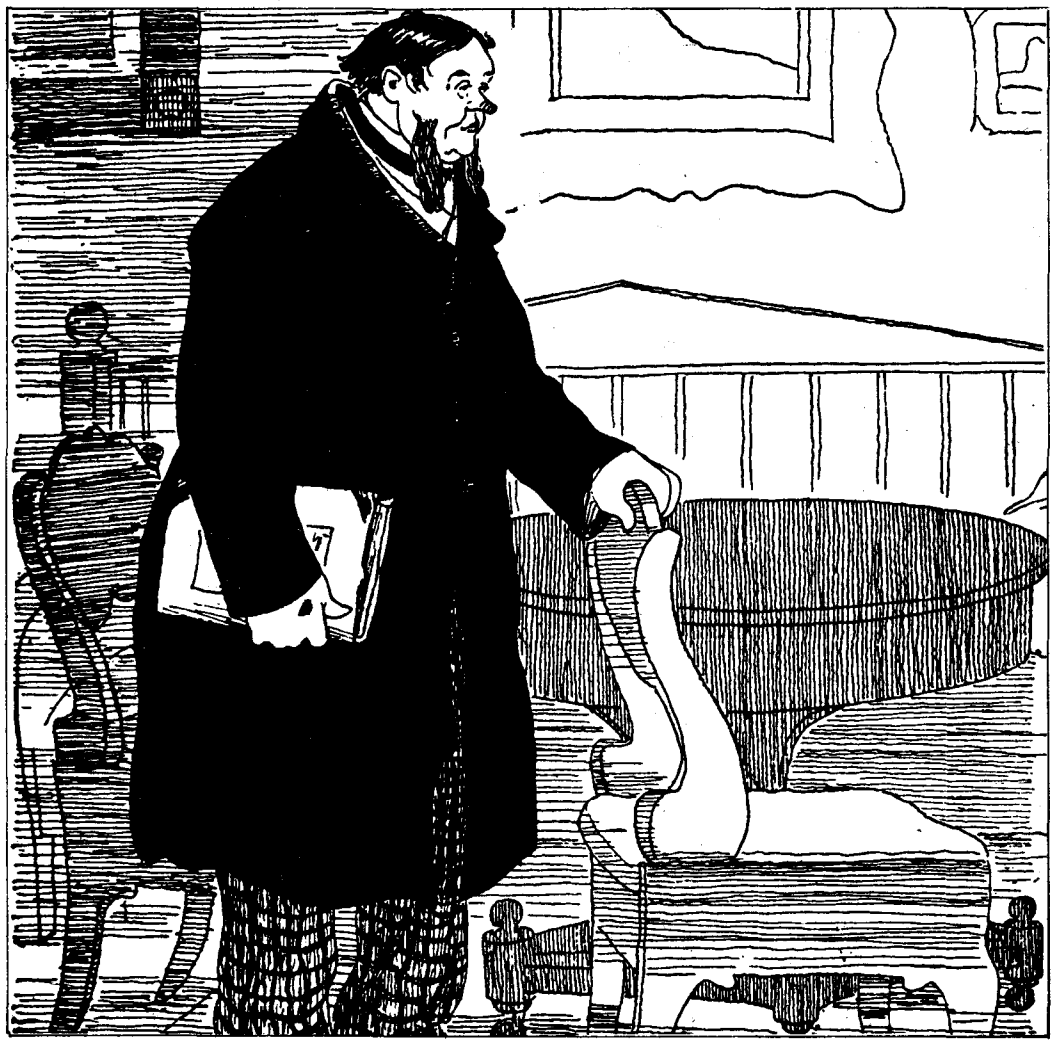
clearly warranted as regards questions of judicial procedure in contrast to legislative power. In *The Common Law*, Holmes demonstrated that, in historical fact, there was little about the common law that was either transcendent or immutable. It was, rather, the gritty, uncouth product of pragmatic adjustment, logical compromise, and constant evolution, shaped over centuries by "considerations of policy and social advantage."

Books such as *The Common Law* stirred currents of opinion in the realm of jurisprudential thought, but these by themselves would probably not have sufficed to bring down the temple of laissez-faire constitutionalism. To complete that process, the emergence of a practical political force prepared to challenge overweening judicial pretensions was needed. Such a force was gradually forged through the Populist and Progressive movements of the closing decades of the nineteenth century and opening ones of the twentieth, finally triumphing nationally with the coming of the New Deal. An electorally decisive number of Americans decided that they wanted a degree of governmental intervention well beyond that contemplated by the model of the "night watchman" state, came to believe that some restrictions on the formal freedom of the powerful few might enhance the practical freedom of the powerless many, and insisted that government undertake various adjustments of the "natural" workings of the market and property system. This emergent majority, moreover, grew increasingly impatient with judges who regularly nullified legislation having broad popular support on the basis of such doctrinaire shibboleths as "liberty of contract." Among the demands of Progressive spokesmen were devices for radical curtailment of judicial authority, for instance, the popular recall of judges and the legislative overriding of judicial decisions. Felix Frankfurter, a La Follette supporter in the 1924 election, went so far as to urge in the *New Republic* that the due process clause of the Fourteenth Amendment be repealed by constitutional amendment. Such drastic measures were probably avoided only by Roosevelt's seizing the opportunity to appoint four new justices, all sympathetic to the regulatory and interventionist role of government, shortly after the failure of his Court-packing plan in 1937.

The lesson of this era in constitutional history—that the American people would not indefinitely tolerate a judicially imposed economic philosophy substantially at odds with the one prevailing in the political arena—was originally discerned and then trumpeted by liberals in the heyday of their legislative ascendancy. A notable irony of the last few decades is that latter-day liberals have largely forgotten this lesson, while conservatives have taken it to heart. During the chief justiceship of Earl Warren, activist judges began to read the tenets of sectarian liberalism into the Constitution, and at times it seemed that the Fourteenth Amendment was being read to incorporate the platform of the Americans for Democratic Action. Emboldened by the luminous triumph of the original desegregation decision, surely the most potent exertion of judicial authority in history and perhaps the most beneficent in its consequences, reformist judges began to jettison first one then another canon of judicial restraint, to the point where a good argument could be advanced that the federal courts now rival the federal bureaucracy as the nemesis of sound public policy and democratic self-government. Self-righteous, dogmatic, moralizing, and absolutist, many contemporary judges have been all too willing to wrap their personal ideological predilections in the mantle of the Constitution, making of the courts what George Will aptly described as "instruments of administered enlightenment," the fulcrum of power most favored by the "new class."



By the time of President Nixon's election in 1968, the wheel had come nearly full circle, and a new political mandate developed to curb the excesses of the imperious judiciary epitomized by the Warren Supreme Court. Nixon chose the same method that Roosevelt had to settle for thirty years earlier, the always chancy one of filling vacancies on the Court with new justices whose views gave promise that they would work to curb the abuses of the past. Roosevelt was extraordinarily lucky with his early appointments. Despite the profound differences which developed among Justices Black, Reed, Frankfurter, and Douglas on many other issues, they all continued throughout their careers to exemplify the trait which led FDR to appoint them in the first place: profound deference to the legislature in matters of economic policy.

Nixon proved far less prescient with his appointments. Justice Blackmun's authorship of *Roe* v. *Wade*, the seminal abortion decision which many regard as the most extravagant judicial usurpation of legislative authority in American history, is doubtless an extreme case, but, Justice Rehnquist aside, the Nixon appointees have done disappointingly little to restrain ideologically inspired crusading by the federal courts. This may have been simply bad luck, but Nixon's efforts in this regard were flawed from the outset by his tendency to confuse potential appointees' fundamental judicial philosophy with their supposed positions on specific issues which the 1968 campaign had put in the forefront. This confusion was most clearly manifested by his frequent equation of "strict constructionists" with those who would "strengthen the peace forces" against criminals.

Were President Reagan to take Siegan's book seriously as establishing criteria for forthcoming Court appointments, he would run a large risk of making a mistake similar to Nixon's, substituting the goal of deregulating the economy for Nixon's determination to get tough with criminals. Both are laudable purposes, but the former

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has even less to do with one's approach to constitutional interpretation and basic judicial philosophy than the latter.

What is needed most is a remedy for what might be called the hypertrophy of judicial review, which is symptomatic of both the present era and that of *Lochner* despite the almost diametrical opposition of the specific constitutional doctrine of each. Roosevelt's failure to pack the Supreme Court, even at the height of his popularity and power, suggests that drastic institutional restructuring along the lines of legislation currently proposed to abolish various categories of federal jurisdiction is not the answer. The American people are likely to be at least as hostile to efforts to annul the established authority of the courts as to abuses in the exercise of that authority.

The appropriate means of rescue from our present judicially exacerbated disorders lies in making thoughtful and painstaking appointments to the federal bench, particularly to the Supreme Court. This is, of course, much easier said than done. The qualities of mind and spirit required in those who would execute the awesome responsibility of judicial review are not easily discerned, nor is their persistence following appointment assured by any facile formula. By all means, let the President fill the cabinet and the agencies with those whose qualifications include a determined preference for a freely functioning economy and a minimum of governmental intrusion in the lives of the citizenry. In those called to fill judicial office, however, subtler and more exalted moral and intellectual commitments are required. Foremost among these is a sturdy and reflective sense, in part a historical sense, of the difference between those choices in public policy which are excluded by the Constitution and those which merely ought to be excluded by the good sense of the American people and their elected representatives. □

Joseph A. Rehyansky

OVER HERE: VETERANS IN THE NEW AGE

Don't look back.

Something undefined in my own temperament or character has kept me from feeling the way they do: cheated, embittered, unappreciated. We went, all of us, through a scarifying and unearthly year, a year of risks and dirt and exhaustion, fear and homesickness, and very loud noises; and 57,685 of us did not live to see the year through. Another 153,303 suffered what the Department of Defense 1981 *Almanac* calls "wounds not mortal": an imprecise category that lumps together those permanently blinded or paralyzed or maimed with those who got cuts, scratches, or bruises, or a temporary ringing in the ears. And during most of it nobody, it seemed, wanted us there. David Stockman and James Fallows, among others, stayed home, keeping company with all the others who were bright enough, principled enough, or slippery enough better to discern where their higher duties lay and how their country's best interests might more suitably be served.

So it must seem—and I get the impression that it does—to those of our generation who did not go to that war, and especially to all the others who have never been to any war, that there must be among us a ring-knocking, secret-handshaking bond, a mutual acknowledgement and respect that says, "Look me in the eye and I'll tell you if you were really there," an implacable, shoulder-to-shoulder, VFWish solidarity that probably hasn't actually existed since the Alamo, or Bataan, or the Warsaw ghetto. That is why, in my judgment, a relatively small band of malcontented semi-professional Vietnam veterans, in concert with the ideologues, simps, and media panderers still looking for opportunities to validate the positions they espoused during the war have been able to focus a sizeable portion of the public's concern on their "plight." For the record, the chasm between them and me is as unbridgeable as the one between me and Jane Fonda.

Manifestations of professional Vietnam veteran syndrome—a personality and behavior disorder at least three times as obnoxious as the post-traumatic stress syndrome currently in vogue—have been much with us through 1981: from the veterans' protests and their fizzled *opera bouffé* hunger strike of the spring and early summer, through the continuing controversy over the design and meaning of the Vietnam Veterans' Memorial in Washington, to the recent discharge emitted by Mr. Frank Barber.

You know—*Frank*, as in "Frank: A Vietnam Veteran—A Matter of Life and Death Special," brought to us this Veterans' Day last on public television, courtesy of WGBH Boston. Frank, as far as one can determine from viewing this show, is a

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talking head. And talk he did, for one hour, pausing now and then just long enough for salient dates and facts of his life to be flashed on the screen in computer printout style. The show opened with a predictable 30-second disclaimer: Frank, of course, isn't typical of Vietnam veterans, and we don't want you to infer that he is. There followed about three minutes of alleged facts and figures, most ably pronounced by Mr. Larry King, of late-night radio talk show fame, that tended to show that Frank is, well, typical ("over half our Vietnam veterans have unresolved problems related to the war. . .").

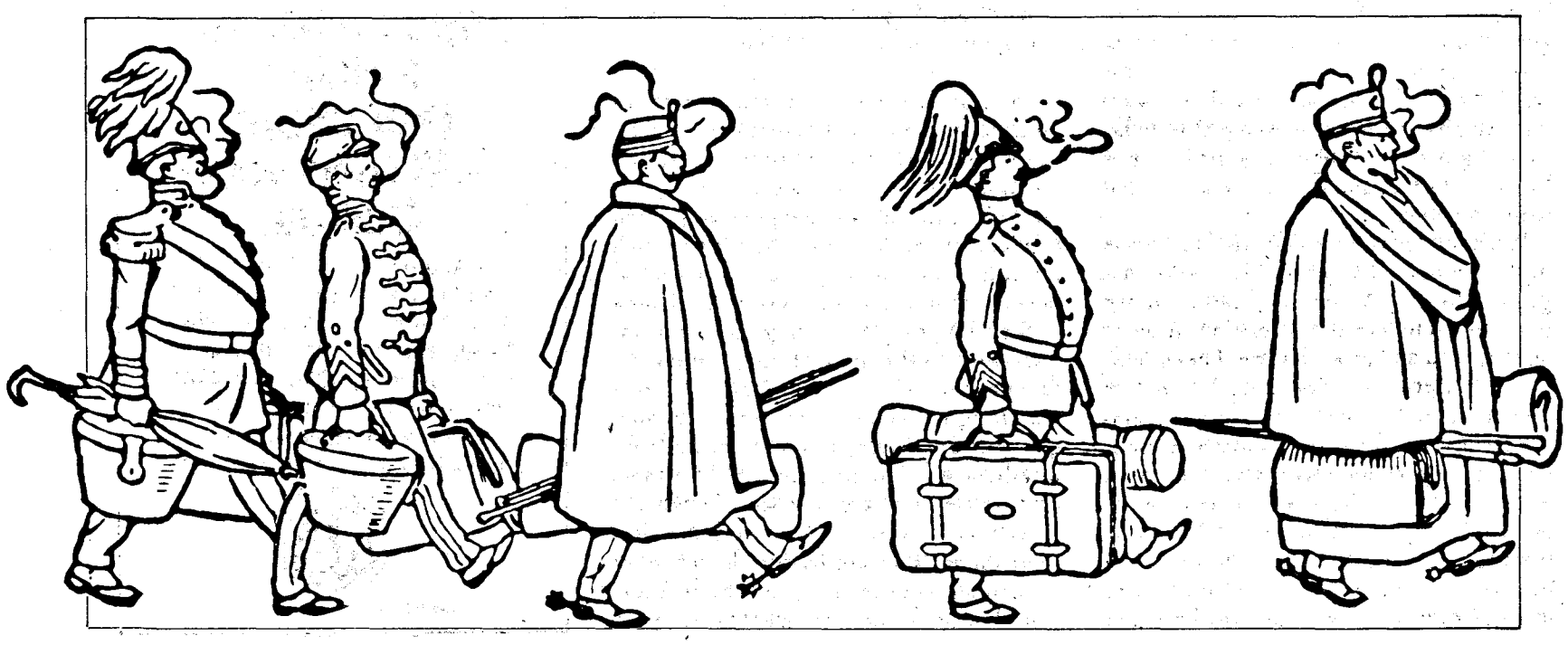
Frank is now 37. By my count, and I had to count fast, he has been in and out of the United States Navy four times since the early 1960s, when a judge told the drug-pushing ninth grade dropout to enlist or go to jail, and 1977, when the Navy told him he could not continue to serve as an alcohol abuse counselor, but had to return to his critically undermanned official specialty of engine repair and maintenance. In between, Frank served for 12 months as a sniper in Vietnam, killed several people and enjoyed it (it was comparable to ejaculation), mutilated a few Viet Cong corpses with a knife (that was en better), and shot some holes in the ceiling of a whorehouse with his Navy .38 while copulating with a Vietnamese prostitute in the female superior position (that was best of all). Upon his return home, Frank became, in approximately this order, an opium smoker, a bisexual, a wife-beater, an alcoholic, and a near suicide. He also has nightmares. Frank thinks that all this has happened to him because he wasn't fully persuaded that what he did in Vietnam was morally defensible, and because he has belatedly recognized that the slopes, dinks, and gooks he killed, mutilated, and fornicated with were . . . human beings like himself.

Frank, who is not unintelligent, by the way, is not the main point. Never mind that many warriors serving in combat engage in a lot of indiscriminate sexual debauchery; if the psychological reasons therefor are not apparent by now, they never will be. Never mind, even, that warriors sometimes mutilate the bodies of their fallen adversaries. I do not defend the practice, though I think I understand it: Revenge, and the incredible pressures and fears that drive men sometimes to the brink of savagery and beyond, are important factors.

But the main point, of course, is war—not the Vietnam war and all the tortured political baggage it dragged along with it thanks to the egregious ineptitude and short-sightedness of our political leadership; not the random mutilation of a conveniently located enemy body; not the reckless and haphazard sexual indulgences of healthy young men pushed to the outer limits of their learned restraints. War is an ugly business. Every generation has come to know this fact. But in our time, men like Siegfried Sassoon, Norman Mailer, Michael Herr, and others have driven home the terror of war and the tragedy of its consequences in terms lyrical, stark, grotesque—and populist. They have turned us off to war and are persuaded that they have, by doing so, committed a supremely moral act. Frank may not have read them, but their influence—from the front page of your local paper to the lead item on almost any national news broadcast—has spread much further than their actual readership. In an ideal world, the City of God perhaps, where there is no *reason* for men to kill other men, their reflections would have great relevance, and worthy effect. In the City of Men, where beasts roam, they lead us, and Frank, astray.

This much is known, insofar as something is "known" when it resides in the body of information available, with a little digging, to all of us. From Herodotus and Plato to Douglas MacArthur, wise, intelligent, and humane men have reflected on and helped define the code of the mature warrior. They speak to us of a code that was as relevant at Quan Loi and Lai Khe as it was at Bataan, Bull Run, Valley Forge, Hastings, Masada, Thermopylae, and Troy. It is a code not of killing, but of honor; not of savagery, but of duty; not of indulgence, but of personal responsibility. We, the Pepsi generation, insist, in our ignorance, on reducing the most complex philosophical questions (Is war justifiable?) to primitive, personal, emotional responses (I have killed/mutilated another human being). We have been told to "get in touch with what's going on inside our heads." But there isn't enough *inside* the heads of many of us to deal with the weighty questions; there isn't even enough in there for most of us to know that these questions *have* been grappled with since the beginnings of recorded history. The result is emotional instability caused by a philosophical conflict grounded primarily in profound ignorance. Volumes have been written on these terrible matters by worthwhile men who took them very seriously. They need to be read (which they aren't, as a rule), and critiqued for our time (maybe my next article). In the meantime, what about Frank and his gripes?

The fact is that every specific, legitimate complaint of Vietnam veterans can and should be equitably disposed of under the legal dispensation that every civilized nation provides for all of its veterans: Those permanently disabled in their nation's service, whether the disability be physical, emotional, or psychological, are entitled to be maintained at an appropriate standard of living for the rest of their lives. Those whose disabilities are temporary and tractable should be rehabilitated and cared for at taxpayer expense as long as necessary. But those who came back hale and hearty, like me and most of the rest of us, are owed—*nothing*. Those of us who have taken advantage of lawfully provided benefits such as civil service examination points, VA educational benefits, follow-up medical and dental care, re-employment rights, and government-secured loans



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have, for the most part, gratefully accepted these offerings for what they are: gifts, not as solatium payments or balms for the uneasy conscience of the nation that sent us. The national interest is a special matter that has historically demanded special sacrifices, especially of its young men. In evaluating what, if anything, is owed the vast majority of our Vietnam veterans, it should not matter at all that national interest was being bitterly disputed even while we were charged with defending it. Certainly the dissension made the job more difficult and less fulfilling, and certainly it demoralized us. But, my fellow Vietnam vets, that—to use the old Army cliché—sounds like a personal problem to me.

Vietnam was a unique agony for the men who served there, a war that exacted unprecedented sacrifices from them. The benefits and privileges granted them should, therefore, at least equal (read: exceed) those made available to American veterans of this century's other major wars. So goes the line served up by the worst of the waffle-heads and arrogant mendicants at the forefront of the Vietnam veterans' movement. Only a few living men can compare one war with another on the basis of personal experience, and the sum of my own experience in down-and-dirty combat is relatively small—though it was enough to last me ten lifetimes—compared with that of many others. Yet, at bottom, I suspect that the problem is one of unique expectations, not unique suffering. Those of us who went to Vietnam had grown up prepared to face acne and mortgage payments, or nuclear holocaust, but nothing in between. A lot of us didn't know how to handle a trite, ugly, and personal war; a war which stank and hurt and bled before our eyes, like all the wars before it; a war where men often saw the very faces of the men they killed, the kind of war that was never supposed to happen again. No high school senior, circa 1963, would have believed you if you had grabbed him by the scruff of the neck and told him: "Son, soon you're going to be fighting for your life in a bloody little ground war in a country you never heard of and the things you're going to fear most will be a hand-held, shoulder-fired rocket that weighs less than a twenty-five dollar sack of groceries, booby-traps made out of Budweiser cans, and wooden stakes coated with excrement."

What we found was that war really was hell, and there has probably not been a generation in American history more ill-prepared to face the revelation. A lot of us felt, then and now, that we'd been had.

Well, were we? Perhaps, but a few things about Vietnam are worth remembering: Except for career military personnel, virtually no one was required to serve more than 12 months; everyone got a week off at about the mid-point of his tour, transportation paid, at any one of half a dozen or so luxurious vacation spots; medical evacuation was the quickest and most efficient in the history of warfare; unit rotation in and out of the worst of the fighting was regular and reliable. Turning to quotidian matters, cigarettes were 12 cents a pack, and a beer was 15 cents (when it wasn't free); a mixed drink at the base camp was 35 cents; the postage was free. The country was dotted with post exchanges that rivaled Macy's and Gimbel's, and anyone, regardless of rank, could order items from them and have them shipped home (and almost everyone could afford to). No nation engaged in a war has ever expended more genuine effort directed toward securing the safety and comfort of its fighting men than did America in Vietnam. (That approach, as some have said, may in the long run have hindered our effort there, but that's another subject I must defer.) Did we really fare so poorly compared with our fathers in Korea and World War II, and our grandfathers in World War I?

Of course, many of the complaints of Vietnam veterans at least *sound* genuine. Agent Orange, for instance. This term, which is now taking its place in the lexicon of knee-jerk buzz-words that includes Jonestown, Watergate, Spiro Agnew, Kent State, and Cambodia, describes a herbicide that was used in Vietnam to defoliate areas of surreptitious enemy activity. According to Mr. Timothy Noah, writing last August in the *New Republic,* the government has determined that, at most, 1,220 veterans were exposed to Agent Orange. Mr. Noah points out that the National Academy of Sciences and the VA have studied the effects of Agent Orange and are unable to show that it causes anything more severe than chloracne—a fairly aggravated form of the adolescent skin condition. Yet the VA has examined *65,000* veterans for possible exposure and effect, and is presently processing 5,000 disability claims from individuals claiming permanent harm from contact with the chemical (a recent issue of the *Army Times* puts the present disability claim total at 12,000).

Mr. Noah examined some other interesting statistics and concluded: The median income of Vietnam veterans is slightly higher than that of non-veterans; the unemployment rate for the two groups is virtually identical, and a higher proportion of Vietnam veterans are using their much maligned (as inadequate) educational benefits than did veterans of either Korea or World War II. Mr. Noah goes on to point out—and on this matter, too, I think the facts are with him—that Vietnam was a war fought primarily by lower-income group individuals, minorities, and the uneducated. The conclusions he draws from these facts are obvious, though not widely considered: The problems that Vietnam veterans are having do not seem to turn on whether they served in Vietnam, but rather on whether they are poor or well off, black or white, educated or dropouts. In other words, they are having many of the same problems shared by their economic, racial, and educational counterparts in the control group of non-veterans. Now the unrefined statistical printout will show these veterans as problem veterans; in fact, they are problem Americans. The lesson that needs to be learned here is not about Vietnam, or why we fought there, but how we fought, and whom we sent to fight. Where were *you* in 1968 . . .?

Still, most of us aren't Frank; we haven't the time for morbid navel-gazing. We're too busy selling you your appliances, fixing your cars, writing your wills, manning your assembly lines and offices, and teaching your children. To those of our brothers who came back whole and today suffer from little more than their own effete self-consciousness and a juvenile craving for attention, who lost nothing more than 12 months "back in the world," I say it is time to put Vietnam not out of your minds, but where it belongs: behind you, and in perspective. It is time—past time—for all of us to remember that we are a nation of veterans, of citizen soldiers, and that thinking of ourselves as a special, discrete group will in time lead to eccentricity at least, and to bitter isolation from our fellow citizens at worst. Vietnam was the common experience of our generation; men of other times have found ways of drawing strength and spiritual unity from shared sacrifice. The youngest of us are no longer very young, and most of us are in our thirties and forties; we are running out of excuses. If the Vietnam Veterans' Memorial now planned in Washington turns out to be a travesty—and it looks as if it might—let's build another: For starters, we can get to work on the nation our children will be inheriting and may be called upon to defend, sooner than we think. □

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TAXING INTEREST RATES

by Tom Bethell

Everyone seems to be puzzled about interest rates. The chairman of the Federal Reserve Board is puzzled. The chairman of the Council of Economic Advisers is puzzled. The *Wall Street Journal* is puzzled. Milton Friedman himself is puzzled. Even Irving Kristol is puzzled.

There is no puzzle about a 20 percent prime rate, however, when you bear in mind the paradoxical fact that the United States tax code deliberately and consciously sets out to discourage saving and encourage borrowing. Interest received is called "unearned income" and taxed at punitive rates. Interest paid, on the other hand, is a tax-deductible expense of living.

Consider a hypothetical example. The government spends more than it takes in, and so has to borrow the deficit from you and me. (The total amount of such borrowing has now passed the one-trillion-dollar mark.) You lend the government $10,000, and the government pays you 16 percent annual interest. This was, approximately, the top Treasury bill interest rate in recent months. At the end of the year you sell your T-bill and you now have $11,600.

Inflation meanwhile has advanced at an annual rate of eight percent (let us be a shade on the optimistic side). So you seem to be ahead of the game. Goods that cost $10,000 at the beginning of the year cost $10,800 at the end, and your interest has more than made up for that. But we are forgetting something important. The full $1600 is reported as "income" to the Internal Revenue Service—even though $800 of it isn't income at all, it is merely protection against the dwindling purchasing power of your original capital. But the *whole* $1600 is taxed—at a rate which of course depends on how much other income you have earned in the course of the year. Bear in mind, however, that not many low income people are in a position to lend the government $10,000. There are some people with sizeable savings to lend who don't earn much money—retirees, for example—but on the whole big lenders are also high earners.

What is a "high" salary these days? Well, if you are single and you earn $41,500 the government considers that you have a high salary because anything you earn above that amount, including all interest, is taxed at the 50 percent rate. And at even higher income levels the tax rate on interest rises to 70 percent. (This has, however, been changed by the new tax law. After January 1, 1982, the top tax rate on interest "income" will be 50 percent.) In addition, of course, most states take a sizeable extra bite out of your interest. So the problem is that if you earn interest, you quite probably have to give half of it back to state and federal governments. It is a tricky and controversial matter to estimate the *average* marginal tax rate of all lenders in the market place: controversial because some government bonds and debt instruments are held by banks; and others by non-profit institutions, or by the federal government itself, which do not pay tax on the interest received.

Nevertheless, Vito Tanzi, the director of the Fiscal Affairs Department of the International Monetary Fund, who has studied this question and has written about it in *Inflation and the Personal Income Tax,** believes today that "the present figure is close to 40 percent." If Mr. Tanzi is correct, then one must deduct 40 percent, on the average, from interest rates in order to find out what the after-tax interest rate is.

The average after-tax return on 16 percent thus turns out to be 9.6 percent. But now we must consider an additional matter: What is the *real,* after-tax return? That is to say, what is the return (or "yield," as it is sometimes called) after inflation has been subtracted from the remainder? As it happens, the Consumer Price Index rose by .8 percent in August. Multiply this by 12 to find the annual rate, and you arrive at 9.6 percent. (This may well be close to the 1981 inflation rate, as it happens, but bear in mind also that the Consumer Price Index tends to exaggerate inflation by a couple of points, because it gives undue emphasis to housing costs.)

In any event, the mathematics are clear enough. Someone in the 40 percent tax bracket who is paid interest at the rate of 16 percent, in a year when inflation steams ahead at the rate of 9.6 percent, is breaking even and no more. He is merely maintaining the purchasing power of his savings. He is treading water. Looked at this way, interest rates today are not high at all. If anything, they seem to be still somewhat on the low side. Historic interest rates, after all, in periods of no inflation, have usually been two or three percent.

When we look at interest rates from the borrower's point of view, we arrive at the same paradoxical conclusion. They aren't high after all. This time, thanks to our absurdly antiquated tax laws, interest paid is tax deductible. Assume, again, that the borrower pays 16 percent for his loan, and is likewise in the 40 percent tax bracket. His effective interest rate is now 9.6 percent, because this time he can treat interest paid as an expense that can be deducted from income, thus lowering his tax burden. So his effective interest rate is reduced. Again taking inflation into account, his cost of borrowing turns out to be exactly zero.

It is as plain as can be that our tax code has got this back to front. The policymakers in Washington, in their public statements, say that they want to increase saving and decrease consumption—a prescription which no doubt really would reduce inflation. And yet the tax code quite specifically rewards borrowing and penalizes saving.

The problem is that the legislators are almost exactly 50 years behind the times. When you come right down to it, they are still thinking in accordance with the Keynesian dispensation, no matter how many times we hear it repeated that Keynes is dead. The truth is that the Bloomsburyite still lives on in policy.

In 1931 Keynes wrote in *Essays in Persuasion*: "The best guess I can make is that when you save five shillings you put a man out of work for a day." Fifty years later the

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Tom Bethell's "Capitol Ideas" appears each month in these pages.

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political economy is managed as though this were still true.

There may have been some excuse in 1931 for Keynes's strange calculation, because that was a time of deflation. It is hard for us even to conceive of such a thing today, but the purchasing power of the dollar actually increased year by year. Under such circumstances, one can at least plausibly argue (and Keynes was nothing if not plausible) that people will let their money languish in savings and won't spend it because it will increase in value without any interest at all. So, arguably, saving must be discouraged and consumption stimulated when you have deflation; and that is what Keynesianism was all about, really—a prescription to counteract the dire effects of deflation.

Deflation itself is a rare phenomenon in the history of money. It is, as it were, unusual behavior for money to gain in value of its own accord. This came about primarily as a result of the efforts of Winston Churchill, who had largely been responsible for Britain's return to the gold standard after World War I at the prewar exchange rate, ignoring the intervening inflation. Returning to convertibility at the old parity level—a matter of prestige really: pretending that "the pound was worth a pound" when it no longer was—had the effect of tugging all other prices back down toward their prewar level, bringing about depression and unemployment in the process. It was in this climate that Keynesianism emerged.

It is hardly necessary to point out that we live in a very different climate today—one of inflation. And yet the same policy prescription remains in place: Punish savings, reward consumption. Inflation *alone* is sufficient to deter saving, of course, since it erodes purchasing power, but on top of that we actually have a government that takes away our interest when we earn it and gives us a tax break when we pay it! And Washington thinks that Wall Street should be responding more affirmatively to the Economic Recovery Tax Act! Instead of admonishing the stock market, Senator Howard Baker of Tennessee, who is Senate majority leader and thus in a position to make a difference, should take a look at the relative incentives for saving and consumption some time.

What about the new tax code, which went into effect on October 1? Will it make a difference? It does take a few steps in the right direction, but not nearly enough. The new "all-savers" bill, which is intended to bail out the savings and loan associations, will allow people to earn 70 percent of the current Treasury bill rate, tax free, up to a maximum of $2000 worth of interest ($1000 if you are single), for a period of one year. This change in the law has two glaring defects, however. In the first place, the money so saved is "earmarked" for home mortgages and agricultural machinery. What is needed is a savings inducement which permits the savings to flow into the "supply-side" at any point in the economy. The locus of innovation cannot be foreseen, as George Gilder has reminded us.

Secondly, the new law has no marginal effects. That is to say, it encourages people to save *up to* a certain amount of money, but no more than that amount. What is needed is a bill that will encourage people to save as much as possible. In fact, what we really need is a law exempting the inflation component of *all* interest from taxation. Congress, unfortunately, will be deathly afraid of enacting any such law because they know they will once again have to face up to the barrage of complaints that they are thereby "taking from the poor and giving to the rich."

Unfortunately, it is as inescapable as the laws of mathematics that you cannot encourage saving without at the same time making life somewhat easier for people in the upper income range. They are the ones who do most of the saving, after all. Congress must therefore dare to run the gauntlet of the envy-arousal brigade in the U.S. body politic—a brigade which seems to add new platoons daily.

The new tax law also does space out the tax brackets, but (as few people seem to realize) the top tax rate on "earned" income in the U.S. will remain at 50 percent. This rate will, however, take effect at higher income levels ($109,400 in the case of married, $81,800 in the case of unmarried individuals, after 1983). As long as inflation in the interim does not erode the value of these figures too badly, the result will be an improvement in the savings rate.

Meanwhile, the new liberal perception seems to be that all of our fiscal difficulties arise out of the budget deficit, a deficit that amounts to two percent of GNP today, compared with 22 percent in 1945. This is either a surprising reversion to 1950s-style Republicanism or covert groundwork for repeal of the recent tax-rate reductions: the latter if *New York Times* editorials are anything to go by. (The *Times* several times in recent weeks has called for a delay in the implementation of the tax cuts, ostensibly to reduce the budget deficit; but in reality, no doubt, to provide lots more taxpayers' money for those good old social programs that are so dear to the hearts of *Times* editorial writers.)

Budget deficits on the order of $60 or $70 billion do of course tend to drive up interest rates because the Treasury, with its "sharp elbows" at the trough of savings, does bid up rates and so "crowds out" others. This problem can either be solved by improving the incentives for, and thus the supply of, savings; or by reducing the government's demand for savings (by cutting back on government spending). The former course is probably the most feasible,

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THE BALANCE OF MILITARY POWER

Foreword by Dr. J.M.A.H. Luns Secretary General, NATO

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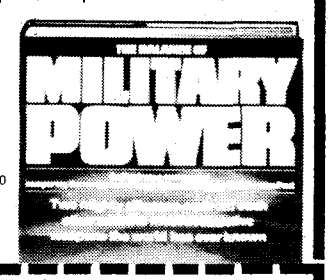

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from a political point of view, the activities of the envy-arousal brigade notwithstanding.

If the present level of interest rates can be explained as a simple matter of lenders demanding a real, after-tax return on the use of their capital, then the question before the house ceases to be puzzling, though a new teaser does arise: We must ask, not "why are interest rates so high?" for we have seen that they are close to zero in real, after-tax terms (by November they had turned decidedly negative); but "why were they so low until so recently?" Why were lenders willing to accept a negative yield until July, 1980? It is difficult to answer this question (Milton Friedman recently puzzled over it, to no avail, in a *Newsweek* column) because it is never easy to provide a convincing account of irrational behavior.

But perhaps we do begin to see the answer, nevertheless, when the whole problem is couched in these terms. The truth is that it takes people time to learn what is rational and what is not, especially when such arcane matters as inflation, interest rates, taxation, and the interaction between all three are at issue. If someone offered you 12 percent for your money early in 1979, it probably seemed generous at the time. "So-called 'historic standards' are irrelevant in the face of a permanent change in the consciousness of savers, who will not soon again accept negative returns, any more than workers will again be fooled into ignoring taxes and accepting inflation instead of higher wages," Gilder recently noted in the *Wall Street Journal*.

Knowledge does not find its way instantly into prices, despite what "random walk" market theoreticians believe. Moreover, "bracket creep" (movement up the tax brackets through inflation) was not as advanced in 1979 as it is today. It takes time to sort all these things out, but by now most lenders have sorted them out, and have within the past year moved to offset (by demanding higher interest rates) the various penalties imposed on savers in an age of inflation; and not merely an age of inflation, but one in which the ghost of Lord Keynes still roams the halls of Congress.

Keynes himself would have recognized the problem instantly. On the very last page of his famous book, *The General Theory of Employment, Interest and Money*, in perhaps his most famous passage, he wrote:

> The ideas of economists and political philosophers, both when they are right and when they are wrong, are more powerful than is commonly understood. Indeed the world is ruled by little else. Practical men, who believe themselves to be quite exempt from any intellectual influences, are usually the slaves of some defunct economist. Madmen in authority, who hear voices in the air, are distilling their frenzy from some academic scribbler of a few years back. I am sure that the power of vested interests is vastly exaggerated compared with the gradual encroachment of ideas.

Can Keynes have foreseen how much of these words would apply to himself, 45 years after they were written? □

SPECTATOR'S JOURNAL

REAGANISM MEETS THE THIRD WORLD

by Anne Crutcher

In Washington, D.C., people are still shaking their heads and saying Ronald Reagan has no foreign policy. In Third World capitals, they're not so sure.

For many Africans, Asians, and Latin Americans, the first suspicion that the President of the United States might indeed have a foreign policy came with a doomsday thud. They took it that, where Jimmy Carter had human rights, Camp David, and Andy Young, his successor has only the reflexes of an old redbaiter who likes rich people and is ready to let the poor eat jellybeans.

For the first six months of 1981, only the expectation of incompetence mitigated anxiety over the prospect of such an American loose in the world community. What simple movie actor would be capable of implementing his benighted views?

Things have changed since then. The President's response to ankle-biting by Muammar Qaddafi was not his only show of coolness and decision in dealing with the Third World. There was also a display of even-handedness in the Middle East where he accepted United Nations condemnation of the Israeli strike against the Iraqi nuclear reactor and later exercised his formidable powers in Congress to push through the AWACS for Saudi Arabia.

These were Presidential acts seen from a distance. The face-to-face test did not come until Cancún, where Ronald Reagan in person met with the leaders of 21 pivotal countries. That meant 14 Third Worlders with grievances, individualized and general. It also meant seven Westerners with private agendas and often contradictory aims. In all, a dubiously digestible ragout of ideological hostility, tender vanities, real needs, intramural rivalries, and impulses to haze the new boy.

The Reagan luck went a long way. To begin with, following Jimmy Carter was in itself a break. With a predecessor who managed to affront the national pride of any number of countries while virtually inviting insults to American dignity around the world, President Reagan could do wonders on mere decency and common sense.

Cancún, of course, was projected in terms of a New Economic Order, an occasion for redistributing world resources between rich and poor nations and other utopian concepts dear to enemies of imperialism, neocolonialism, and the rest. The last time the New Economic Order came up, poor Jimmy Carter refused to go. Reeling from the brickbats encouraged by Andy Young's willingness to consider black African dictatorships overseas branches of CORE and SNCC, he dismissed any such meeting as one more arena for beating up on Uncle Sam.

President Reagan benefited from both the positive and the negative aspects of Carter's gesture. On the one hand, the message went home that the United States did not have to show up for a prearranged drubbing. On the other, many of the underdeveloped countries were genuinely ready to welcome signs of respect and understanding from the industrialized powers.

A combination of luck and skill had laid the groundwork for a Reagan success at Cancún. The President could not claim credit for the oil glut that made the Mexicans approve the petroleum stockpiling purchases the OPEC nations banned—a development that weakened the OPEC nations' ability to threaten and demand. The President could, however, point to a personal victory in the relationship he developed with President Lopez-Portillo, in advance of Cancún.

Lopez-Portillo himself has been outspoken on the importance of demeanor. "Feeling we are treated with respect, we can do anything," he said. In the Washington visit that preceded Cancún, he appeared to feel he had it from President Reagan. It was not only a matter of not making Carteresque gaffes—no remarks about Montezuma's revenge and no proposals for giant fences along the Rio Grande. There were also positive gestures such as enlisting the Mexican president's contributions in talking about American immigration policy.

Reagan has also demonstrated a capacity for creative myopia in relation to Mexico. There was no comment out of Washington when the Mexican government recognized the Salvadoran guerrillas. This came across as something more than accepting the inevitable. It registered in Mexico and elsewhere in Latin America as a reasonable regard for the rights of sovereign states to make their own decisions on matters of alignment and non-alignment. It also underscores the Reagan Administration's understanding of where the relevance of ideology leaves off.

The same message was encapsuled

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in an exchange last summer between UN Ambassador Jeane Kirkpatrick and a questioner at a press conference in Nepal. Asked why a democracy such as the United States should be closer to Pakistan, a dictatorship, than to India, a fellow democracy, the ambassador replied with another question: "Why does India, a democracy, have closer relations with the Soviet Union, a dictatorship, than with a fellow democracy such as the United States?"

From Jeane Kirkpatrick, in August, people in a dozen countries in Latin America and Southeast Asia had been hearing that kind of plain talk whenever impulses toward Yankee-baiting came to the fore. When, in India, a woman journalist asked her why, when millions are starving, without shoes, medicine, housing, or education, the United States spends so much money on instruments of death and destruction, she replied, "The United States invests in armaments for the same reason that India does."

Cutting through guff to realities has been characteristic of Jeane Kirkpatrick in her UN role. Not one to counter inflamed rhetoric with inflamed rhetoric, she achieved a more stunning effect by saying, in a letter to Third World ambassadors associated with certain anti-American fulminations, "You don't believe this nonsense any more than I do."

In Cancún, the President smiled more but was equally definite about not going along with absurdities. No, the United States won't promise one percent of the gross national product for development aid. The $57 billion given by the United States over the last decade will have to attest to the quality of American intentions. Like Edmund Burke rejecting the French Revolution in its entirety, the President calmly declined to underwrite massive income transfers or to place the United States in a forum where the Third World would call the tune.

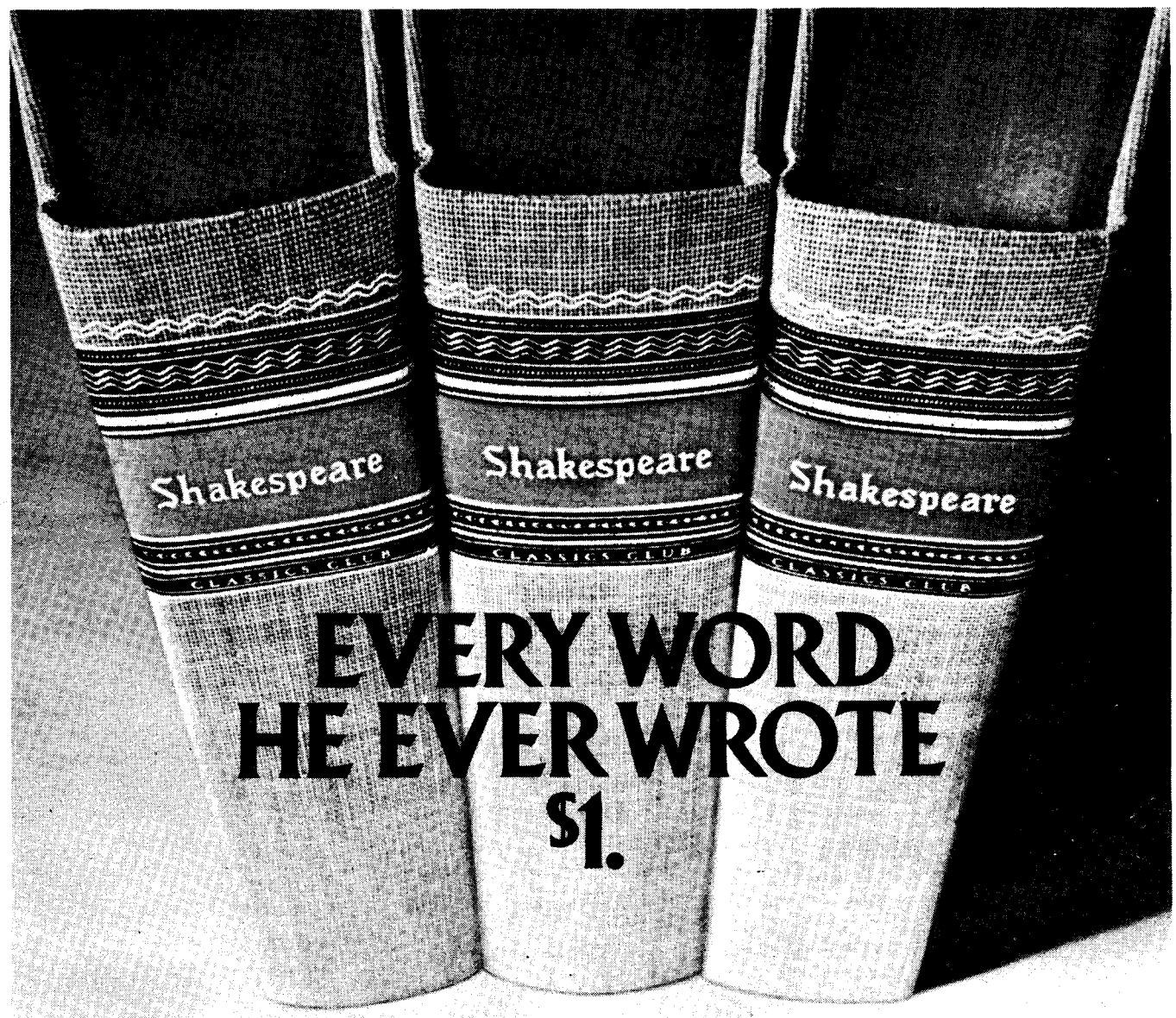
Yet, all the while, there was the convincing evidence of good will and the sensitivity to others' sensitivities. Even the final, vague acceptance of future "global negotiations" on Third World problems after resisting "Global Negotiations" had the impact of a pleasantry rather than a capitulation.

Courteous attention had worked equally well for Jeane Kirkpatrick on her summer travels. The mere fact of a cabinet member's coming to visit and showing informed concern for their problems went over powerfully in such ordinarily neglected countries as Ecuador and Bangladesh, Sri Lanka and Pakistan. Even in the southern cone of South America, respectful attentiveness undid some of the alienating effects of past policies. Public scoldings about human rights had been hard on Latin pride and proportionately hard on any American hopes of constructive collaboration with the major Latin American powers.

Not that easing up on this particular irritant was without its cost in further misunderstandings. It opened floodgates for journalists eager to portray the Administration as actively hostile to human rights.

Not all the anxiety and disaffection over human rights were disingenuous, either. More than one Latin American expressed misgivings over the supposed Reagan preference for military autocrats as long as they are anti-Communist. The president of Ecuador actually asked Ambassador Kirkpatrick if President Reagan wanted to bring dictatorship back to his country. Latin American leaders of democratic inclination told her that widespread belief in American liking for strongman government had made honest native critics of oligarchic rule feel more alone than ever.

Nor are these the only sticking



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points that remain between the United States and the Third World. American talk about the virtues of the free market sounds a little too glib combined with American reluctance to open trade doors when somebody at home might get hurt by competition from the underdeveloped countries. Indira Gandhi's annoyance at hearing all the successes of the Indian economy attributed to the private sector in a very mixed congeries of public and private initiatives is understandable. And there was more than cantankerousness in Julius Nyerere's remarks about the elaborate structure of subsidization that, in present-day real life, supports the sturdy, independent farmer of American tradition.

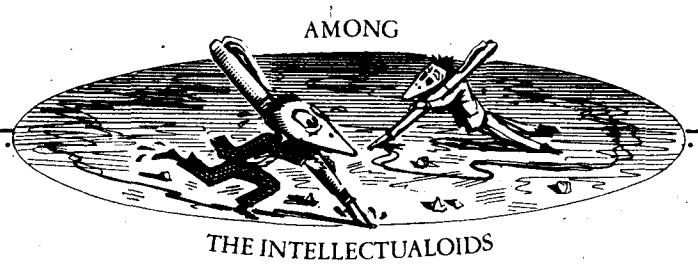
Still, in less than a year, the Reagan Administration has changed its image in the Third World. The President and those who speak for him have gone far toward dispelling the myth that the Reagan Administration means to turn its back on the developing countries. It doesn't look like indifference if, when food stamps are being cut back in the United States, the President is willing to keep foreign aid at present levels and even to increase it in certain areas.

He has made his point about the superior viability of free market approaches to development at a time when the conspicuous evidence is on his side. The prosperity of Taiwan, Singapore, and South Korea speak for it. So do the moves, open and covert, of countries as disparate as Peru and China to change directions away from socialist regulation and toward free market practices.

At the same time, the Administration has made it clear that concern for Third World problems is not the same thing as the Carter Administration's itch to be "on the right side of history," or any other euphemism for promoting Marxist revolution. Getting rid of a mindset that equates progress with guerrilla warfare has freed the American government of many embarrassments. It takes more now than a random charge of imperialism to inhibit defense of American strategic interests.

The President's winning manner takes away some of the shock effect of his refusal to make decisions on the basis of other people's either/ors. The United States cordiality toward China will continue, but so will the time-honored American links with Taiwan. The United States will not let its hope of good relations with India stand in the way of strategically necessary ties with Pakistan. It will not even let the U.S. bond with Israel prevent strong ties with the Arab states. Non-alignment, the Administration makes clear, is a game any number can play.

Establishing firmness where there was wobble and simultaneously reducing the guff content of international debate is a considerable achievement. It won't solve the last dilemma over textile imports or Cubans in Angola. It won't make anything easy in Central America. But it will help. □



HOT TO TROT, SO WHAT?

by John Muggeridge

Doctor Johnson said of Congreve's novel that he would rather praise it than read it. A similar preference is at work, one must charitably assume, among admirers of Susan Cheever's fiction. The *New York Times* calls her a born writer, the *Washington Star* an inventive and graceful one with a wry style of her own, while the *Chicago Tribune* thinks of her prose as graceful and spare, "the kind . . . that sounds effortless but is bone-breaking to write." A fair example of what these three newspapers have in mind is the following dialogue which forms the climax of Cheever's latest novel, *A Handsome Man,** and takes place in a ruined castle between the hero's mistress and his son.

"I want you," he said. . . . "I want you badly." He leant towards her, forcing her over onto her side on the grass.

"Travis!" Her voice sounded as surprised as she felt. [Hypocrite! Only four lines earlier his hand on her shoulder had "sent tingling little electric shocks across her chest and down her legs."] He was looming over her now, cradling her head in his hands and looking at her with love and intensity. "Come on, don't do that!" She tried to pull away from him, but her resistance thawed in the hot force of his desire. . . . There was no ambivalence or doubt about Travis. He wanted her. . . .

"You want it, too," he said, "You want it, too." . . . He was right. She wanted it, too. . . .

"Listen, Trav," she said, trying to control the hot breath which blurred her voice [sic?], "You know this isn't a good idea."

"What do I care about ideas?" [Touché with a vengeance. One of the chief bones of contention between Travis and his family is the fact that he keeps dropping out of school.] He was unbuttoning the top of her shirt now. "I want you and you want me. Come on, come on," he moaned.

Bone-breaking to read would be closer to the mark. *A Handsome Man* is corner-store bookrack stuff spiced up with a spoonful or two of feminist *Weltschmerz,* neo-Gothic romance for the English Lit. set. It even features an upper-crust New York Mr. Rochester, complete with white Alfa-Romeo convertible and silver-handled shaving brushes, not to mention a healthily plebeian Jane Eyre raised under "the big Illinois sky with the distant glow from the lights of Chicago off behind the water towers." The plot unfolds in mystic Ireland. Here, among "images from James Joyce and Yeats and O'Casey float[ing] past the car windows in the light rain," lust conquers all. Jane is loomed over by the irresistible Travis; her wronged Rochester sheds tears of remorse at his failure to "connect with people"; she forgives him, and they fall into each other's arms as the sun sets over the Western Isles and "one white horse walk[s] slowly across the silent landscape to the sea." But enough. Like Goethe on his deathbed your reviewer can no more. New-wave mawkishness closes over him; images from Barbara Cartland and Gloria Steinem float past his car windows in the heavy drivel.

Every bit as driveling and even more highly praised is Francine du Plessix Gray's new novel, *World Without End.*† Gray specializes in fine arts prose. Hardly a page goes by without an italicized reference to the *quattrocento.* Her book, in fact, reaches such a pitch of cultural exquisiteness that many critics refuse to believe that it was written at all, preferring to think of it as having been painted ("her canvas is vast, her brushstroke sure"), cultivated ("a mandarin garden of a book"), exhibited ("an unapologetic display of literary opulence"), or even, as Harrison Salisbury implies with his comment that "the evolution of its human relationships is like a many-faceted stone," mined.

But perhaps the medium to which *World Without End* most properly belongs is public television. What Gray has produced is Masterpiece Soap Opera. Her romantic hero is Edmund Richter, a blond-goateed, bisexual art historian of Russian parentage with a cat called Vico, an irritating habit of exclaiming bilingually, and a conversational style so self-indulgently pompous as to make even Bernard Shaw's seem terse and low-keyed by comparison. At eighteen he has already sufficiently mastered graduate school back-slang to be able thus to berate a roomful of summer vacationers: "Your contentment with well-being, to use William James's astute insight, protects you like a carapace from the thirst for transcendence." The boys and girls lap it up. After thirty years of getting in and out of bed with students, family friends, and chance acquaintances (the poor man can't even drop in to a gay bar without becoming the immediate center of attraction), Richter marries his childhood sex partner and romantically retires to

*Simon & Schuster, $12.95.

†Simon & Schuster, $13.95.

John Muggeridge is a free-lance writer who has appeared in the American Spectator, National Review, *and the* Human Life Review.

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Nantucket Island among whose sand dunes she first took off her tennis shorts for him.

A third novelist in line for the Congreve treatment is surely Doris Grumbach. The fact that she is a frequent contributor to the *New York Times Book Review,* and author of a literary biography of Mary McCarthy as well as of *Chamber Music,* described by John Leonard as "one of those rare novels written for adults who listen," makes Grumbach's claim to instant admiration a compelling one. Certainly it seems to have compelled Herbert Gold who asserts that in her latest novel, *The Missing Person,*‡ a thinly drawn out docuromance about Hollywood in the thirties and forties, "she manages a sober interlocking of anecdote reminiscent of both Sherwood Anderson and Nathanael West, though her melancholy lyricism is her own."

Wisely, perhaps, Gold is less specific about what is actually being interlocked. *The Missing Person* is one of those frequent novels written for adults who block their ears. Written in flat *Redbook* cover-story prose, it depicts scenes from the life and sexploitation of Franny Fuller (whose marriages—first to an amiable jock, and then to a Jewish New York playwright—make her an obvious preincarnation of Marilyn Monroe) interleaved with Marxist-feminist musings of the sort that Grumbach's school of journalists indulge in as reflexively as breathing. Even Franny, dumb, lost blonde that she is, identifies with the powder-puff proletariat. Her fellow aspirants to stardom she calls "sisters in passivity . . . who could never resolve anything for themselves because they had never been told it was possible"; in Franny's view being a man meant being able to think things up for yourself and make them happen; all women were, like her, "waiting for the Great Something they dreamed about all their lives to happen to them." No wonder, then, that the two wholly sympathetic male characters in *The Missing Person* are Eddie Puritan, Franny's homosexual agent, the only person capable of making her feel complete, and Ira Rorie, a girlishly named new-class Negro forced by segregated housing to inhabit his Cadillac, with whom she exchanges life stories and enjoys her only reciprocally satisfying sexual encounter.

In the end, however, melancholy lyricism triumphs over ideology. There is in *The Missing Person* more of *Photoplay* than of *Socialist Woman.* A damp-eyed whimsicality afflicts all but the sternest-souled writers on Hollywood, and Grumbach catches such a heavy dose of it that finally she is reduced to incoherence. Here is her answer to the question, "What really became of Franny?":

> She lingers in the umbra between celluloid eternity and the accident of mortality, caught and hung up like an escaping prisoner on the barbed wire of his enclosure. In her, the intimations of immortality are strong. She moves towards them, and then retreats, perched precariously on the swing of the unbearable present, and destined, like everyone else, for the final take on the shores of darkness.

One would have liked clearer directions.

Casting a jaundiced eye on Cheever, Gray, and Grumbach, however, may be doing them an injustice. More than banality of style and emptiness of thought prevents them from succeeding as novelists. They are contributing to a doomed genre. The new morality has ruled out serious romantic fiction. For sexual love to work as drama there must be rules to break, penalties to pay, and rewards

‡Putnam, $11.95.

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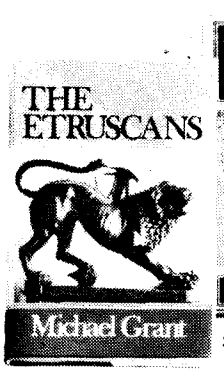

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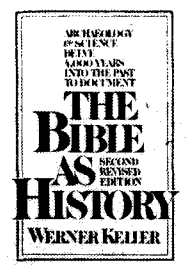

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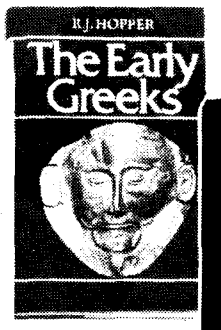

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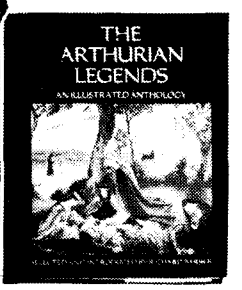

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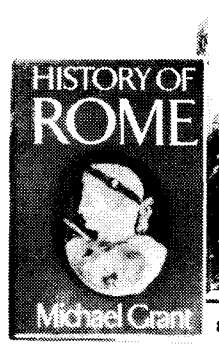

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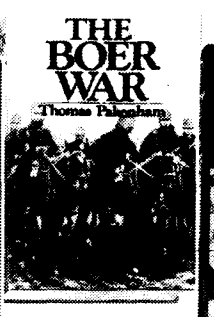

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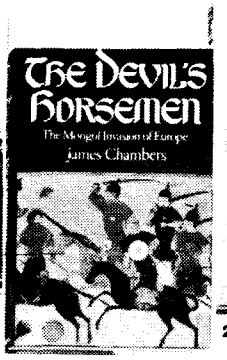

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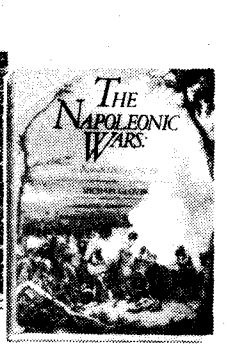

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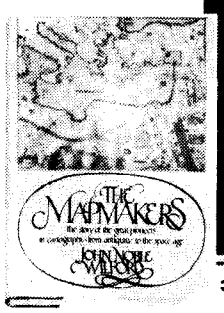

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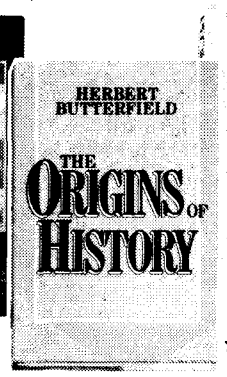

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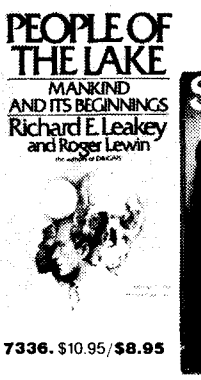

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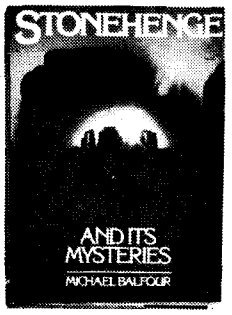

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to win. Life, in other words, must have a moral framework. In a world where adultery no longer adulterates and marriage is the tie that loosens, Anna Karenina's suicide becomes an act of pure insanity and Alex D'Urberville's murder the sort of senseless killing that Truman Capote might document. A century and three-quarters ago, Jane Austen could invest a chance meeting in an umbrella shop with extraordinary erotic tension. Today, the only vibrations produced by the most brilliantly delineated explicit sex are pornographic.

Or sentimental. Our grandfathers are often accused of having covered up the fact that sex is fun; today's dirty little secret is that promiscuity is boring; undangerous liaisons are uninteresting. One way of diverting attention from this unpalatable truth is to sentimentalize sexual freedom. And this is what the three authors under review go in for. Cheever, for example, brings in the pitter patter of tiny feet. Divorced, thirty, and childless, her heroine wants to get her man not just to enjoy his favors, but to make a father of him. Gray presses hard on the neoconservative pedal. Her Doctor Richter belongs to the Aesthetic Minority. A campaigner for beauty in a world quickly going philistine, he writes against Pop Art, paints representationally, and above all believes in beautiful love-making. "I am awfully fond of the sheer symmetry bisexuality presents," he tells his mistress in Florence, "though I much prefer women." Even Franny gets more than physical satisfaction from her tumble with Ira in the Cadillac. Not only did she enjoy "the roll of his tongue in the pink, avid cave of his mouth," but to her what had happened "signified the successful execution of her woman's duty." Little Nell got the same sort of pleasure out of tidying up the Old Curiosity Shop.

One novelist, however, who does not go in for sentimental evasions is Muriel Spark. She is a modern who somehow manages to avoid the artistic pitfalls of modernism. She is, for example, as subjectivist as any of her contemporaries. Her latest novel, *Loitering With Intent,*** is unabashedly autobiographical; its fictional author, Fleur Talbot, goes "rejoicing on her way" through the twentieth century, meeting as she does so a typically twentieth-century bag of lovers, homosexuals, cunning old women, and secular and spiritual con artists together with their dupes. Yet there is a disengaged quality about her writing. She observes the world around her, but also herself observing it. The plot of *Loitering With Intent* is as multi-layered as that of *Don Quixote*. In what sounds like one side of a telephone conversation with her creator, Fleur Talbot recalls the events of 1949 when she was writing a novel called *Warrender Chase* in which she describes, sometimes ahead of time, the machinations of Sir Quentin Oliver for whose Autobiographic Association she was then acting as secretary. This putting mirrors up to mirrors is an ideal way of projecting Spark's clear unembittered satire. "What did I care?" says Fleur Talbot in defending herself against the charge that one of the characters in *Warrender Chase* was shocking. "I wasn't writing poetry and prose so that the reader would think me a nice person, but in order that my sets of words should convey ideas of truth and wonder, as indeed they did to myself as I was composing them. I see no reason to keep silent about the enjoyment of the sound of my own voice as I work. I am sparing no relevant facts." Then she adds most characteristically "... I treated the story of Warrender Chase with a light and heartless hand, as is

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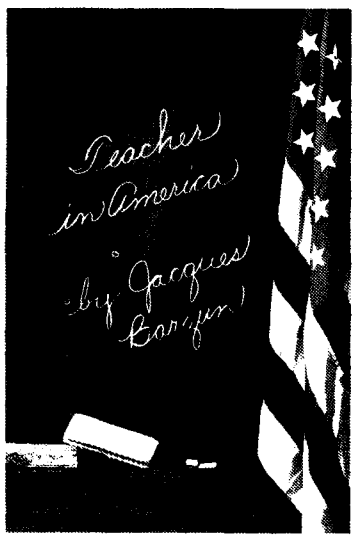

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my way when I give a perfectly serious account of things."

This weird mixture of detachment and commitment, of frivolity and seriousness may derive from the fact that Spark is an English Roman Catholic. She is, in other words, a universalist who finds herself tagged as a sectarian, a non-conformist conformist. Her loyalties are complicated, even divided, but secure. Spiritually, she enjoys robust good health and writes about the psychic ills of her characters from the point of view of a visitor to the cuckoo's nest rather than a patient there.

But of course she cannot escape the twentieth century's moral disintegration. The landscape that she passes rejoicing through is a devastated one. Her fellow English Catholic, Evelyn Waugh, chronicled the pillaging of it. Instead of bemoaning what has happened, however, or pretending that the bomb sites will facilitate urban renewal, she sits on a convenient pile of rubble and tells bright, witty, fantastic stories about the people who pass by her in the ruins. She may sometimes lack the sort of bottomless despair that we have come to expect from serious writers of contemporary fiction. But one thing is certain—Doctor Johnson would have read her, and most likely have praised her. □

A FEW LIBERALS SOBER UP

by Fred Barnes

Mayor Edward I. Koch of New York traveled to Brooklyn one day in 1980 for the dedication of a shopping center. As he wound up his speech, a black man in the audience shouted, "We want John Lindsay." Lindsay, of course, is a former mayor of New York, one usually blamed by Koch and nearly everyone else for the city's financial troubles. Koch stopped his speech. "Everybody who wants Lindsay back, raise your hand," he said. And a few hands went up. Koch paused, then bellowed, "DUMMIES!"

Koch, once a liberal purist, is proof that there really is a new liberalism. It has a fancy name, neoliberalism, and a growing set of distinguishable ideas, but don't start applauding yet. It's different from the old liberalism, but not *that* different. The joke in Washington is that the Democratic liberals in Congress vote for the same old programs, while the neoliberals sigh—and then vote for the same old programs.

Now that might be selling them a trifle short. Neoliberals like Koch and Senator Paul Tsongas of Massachusetts are not on the brink of embracing Ronald Reagan conservatism, but on some fundamental issues they have drifted far afield from undiluted liberalism. Arthur M. Schlesinger, Jr., in his role as ideological policeman on the Left, has complained about both of them, Koch especially. Koch's apostasy is most flagrant on the crime issue: He's for the death penalty and against lenient judges. Koch relishes an incident that occurred when he visited a senior citizens' center in the Bronx during his campaign for mayor in 1978. "What are you doing about crime?" he was asked. "Ladies and gentlemen, do you know that a judge was mugged this week?" Koch responded. "He called a press conference and said, 'This mugging will in no way affect my judgment in matters of this kind.'" And an elderly lady in the back of the room stood up and said, "Then mug him again."

Koch, who calls himself "a liberal with sanity," represents one wing of neoliberalism. It consists of traditional liberals of the "Kennedy Democrat" variety (that's John F. Kennedy), folks such as Senator Daniel Patrick Moynihan of New York and Rodney S. Quinn, the Maine secretary of state. They are hawkish on defense matters, favor a stiff anti-Communism in foreign affairs, support selective cutbacks in federal programs, are sometimes resistant to demands by labor leaders, and normally identify themselves with middle-class anxieties like crime. "People on the Left attack me," Koch told me last spring. "They say, 'You cater to the middle class.' I say, 'You bet I do.' I tell middle-class people, 'We ought to be kissing your feet for not leaving the city. You're the people who pay the taxes and create the jobs for others so that we can collect revenues that make it possible to provide services for the poor.'" When Jimmy Carter was President, Koch and Moynihan were often critical of him and thus earned the epithet neoconservative. With Reagan in the White House, and the center of political gravity shifted, they were instantly neoliberal.

Tsongas represents the other wing of neoliberalism. His book, *The Road From Here: Liberalism and Realities in the 1980s,** is the first neoliberal manifesto. Tsongas calls himself a "new liberal," or a "revisionist liberal," and bills his ideology as "compassionate realism." His viewpoint is often shared by Senators Gary Hart of Colorado and Bill Bradley of New Jersey, and by a group of a dozen or so Democrats in the House of Representatives led by Congressman Leon Panetta of California. They are dovish on defense and foreign matters, but they generally back substantial cuts in govern-

Fred Barnes is National Political Reporter for the Baltimore Sun.

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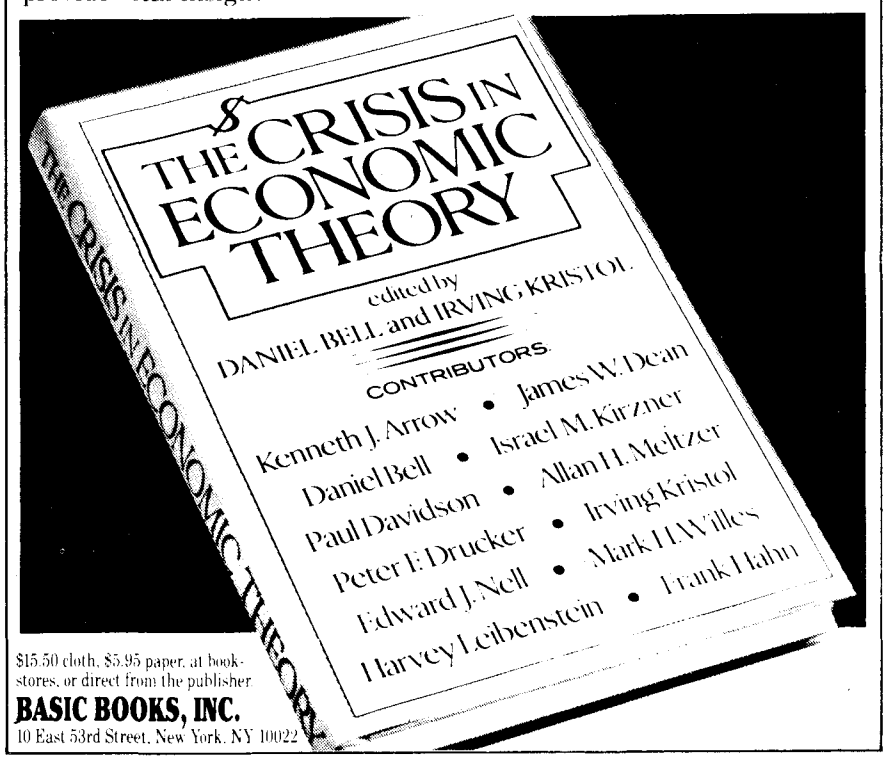
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ment spending, encouragement of business through tax cuts, free trade, restrained demands by labor unions, and oil price decontrol. They insist on the nation's need for greater productivity and economic growth. They readily concede that programs like the Comprehensive Employment and Training Act (CETA) and unemployment compensation have been excessive. So has the regulatory zeal of bureaucrats in the Occupational Safety and Health Administration (OSHA). And Tsongas is noisy in his support for nuclear power.

The two wings come together in accepting the proposition that the federal government has limited financial resources these days and therefore ambitious new social programs are out of the question. They also agree on the threshold political question that separates them from unreconstructed liberals. Neoliberals believe that the massive Democratic setbacks in the 1980 elections should be attributed to the party's overbearing liberalism. "The first thing we have to do is realize the degree to which the public thinks we are wrong on all the issues," advised Moynihan in an interview last September. Koch delivered the same neoliberal critique in October to the Democratic National Strategy Council. He declared:

> What happened over the last decade is that we became the party of the status quo, the party of government for government's sake, the party of abstraction. Rather than seeing ourselves as the inheritors of a dynamic, pragmatic, humane tradition, we sought to embalm our past successes—the New Deal, the Fair Deal, the New Frontier, the Great Society—in regulations and programs. We lost touch with reality.
>
> We became unable and unwilling to recast programs that, however well-intentioned, had faults. When some pointed to abuse of welfare, medicaid and food stamps, we avoided the issue. When job training programs did not work, we put more money in. Poverty programs provided jobs for the people running the programs but often did not help the poor. We looked the other way. When it came to crime, though we talked tough, we consistently sided with the need to protect the civil liberties of the criminal, not the victim. Just look at the way we structured the LEAA [Law Enforcement Assistance Administration]. Is it any wonder the program is being disbanded?
>
> We conferred on special interests—particularly friendly special interests like labor, environmental groups, organizations for the handicapped—the right to set out legislative agenda. We believed that a mandate from Washington—to make transportation "accessible to the handicapped," to make waters "swimmable and fishable," to provide special education to the emotionally and physically handicapped—could solve problems without money or, in some cases, even without the necessary technology.
>
> We remained locked into busing as the way to correct the inadequacies of ghetto schools, even after blacks, whites, and virtually every scholar who looked at the issue agreed busing was not the answer. We supported racial quotas to end discrimination, even after it became clear that quotas were pitting race against race, ethnic group against ethnic group, rather than helping to bring about racial harmony. In foreign affairs, as Russia dramatically increased its conventional arms buildup, we continued to follow the defense policies that had served us adequately before the Vietnam War.
>
> Understandably, America—beset by inflation, high interest rates, an uncertain position in the world and a declining quality of life—rejected what we were offering.

Whew! As much sense as the Koch critique may make to conservatives, it is rigorously denied by undeviating liberals. They blame Jimmy Carter or yet more insidious forces for dragging so many liberals down to defeat in 1980. Tsongas encountered this phenomenon when he appeared on "The Dick Cavett Show" last October with Father Robert Drinan, the former congressman from Massachusetts and current president of Americans for Democratic Action, and other liberals. The Tsongas-Drinan exchange went like this:

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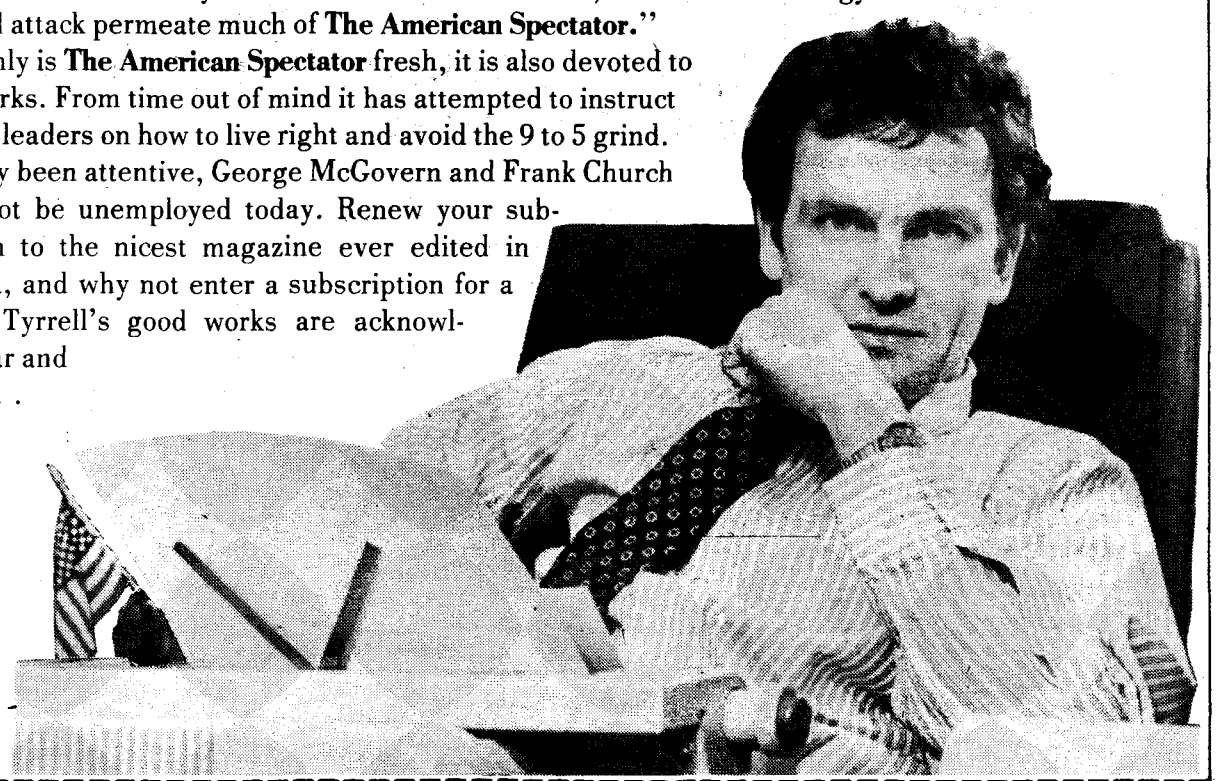

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Tsongas: You did have the Carter phenomenon, the rejection of Carter, but that does not explain why so many members of Congress, especially in the Senate, went down as well. I think the country decided that . . . liberalism was simply an unworkable approach, and they rejected it.

Drinan: You have to bring in the Moral Majority when you talk about liberalism, and I think that they entered the last election, and it may not be the people voting against liberalism at all, or even against Jimmy Carter, [but] that they were frightened by the demagogues of the New Right, the Moral Majority, the Reverend Falwells. And enough people were frightened into almost intimidation, that they have to vote to save America for God's sake and to repel the communists.

Tsongas: There were two major issues in 1980 and will be in 1982: the economy and military spending. In 1971, the percentage of the American people who wanted more defense spending was 10 percent. By 1981, it was 71 percent. So you had an enormous change in the public's attitude. Secondly, if you look at the percentage of people who thought the Democrats were better at handling the economy in 1971, compared to 1981, [you see a] remarkable shift to the Republicans . . . The Moral Majority was obviously the frosting on the cake, but we have to deal with those basic issues.

The most dramatic departure for neoliberalism is on economic issues. Instead of ritualistically attacking big business, neoliberals style themselves as pro-business, even pro-conglomerate in some cases. They were leery of individual rate reductions in the Reagan tax bill, but they supported cuts in the capital gains and corporate income taxes. They are eager to promote the new high technology industries, and they express doubts about propping up the older smokestack industries. "Our traditional industries must adapt to the new economic realities: slower growth in demand for their products and increasing foreign competition," Hart wrote in an unpublished paper last summer. "Import quotas, tariff barriers, export subsidies, and large scale federal credit infusions can artificially boost their growth, but only temporarily, and only at considerable cost in lost growth and efficiency for the entire economy." Bradley emphasizes the need to restore risk to the business environment. Businessmen must "treat risk as an opportunity and not as a threat," he told me last month. "Government's role is not to protect business against risk, but it is to protect people from suffering. . . . We need to encourage innovation, entrepreneurs."

The neoliberal position is distinctive on three specific economic issues. In defiance of that old liberal bugaboo, business concentration, neoliberals are plugging for relaxation of antitrust laws in order to promote American exports. "For threatened industries, like automobiles, where international competition insures consumer choice, we should provide antitrust exemptions to allow cooperation between firms and, where necessary, mergers," Tsongas writes in his book. Banks should be allowed to finance export trading companies to help them compete with German and Japanese firms, he notes. "Concentration per se might not be bad," added Bradley. The coterie of Senate neoliberals also banded together to support a Bradley bill that would, as Bradley put it, "let the market allocate oil and set the price" but have the government recycle oil tax revenues to individuals in the form of tax relief. The bill lost. So did one the neoliberals joined Senate Republicans to defeat. It instructed President Reagan to jawbone the Federal Reserve Board to lower interest rates within 90 days. "I don't see the Fed as the problem," said Tsongas last month. ". . . Going after the Fed is a bumper sticker approach. It's a great policy until you get elected."

No full-fledged liberal would have passed up a chance to denounce a Federal Reserve that pursues tight money. Nor would many liberals agree with Bradley's idea that "the key is how to get the economy moving again, not how to get new government delivery systems going." And they would not feel entirely comfortable with Panetta's inclination "to consider other approaches to problems than a knee-jerk, new-government-program approach." Quinn's assault on "the Mondale-McGovern-Kennedy wing of the Democratic party" would likely create apoplexy among liberals. That wing, he said, "consists largely of elitists whose intellect or personal interests lead them to make their careers mostly in the public sector. Consequently, their primary interest is power. Their goal is to see that power is allocated to government; i.e., to their own use."

The neoliberal approach to unions is hardly liberalism as usual, either. Tsongas advocates a "new unionism" that has found little favor among labor leaders. "We need labor unions that care about the condition of the economy," he writes. "Along with issues like pay rates, health benefits and work safety, their agenda should include such matters as quality control, productivity, and absentee-

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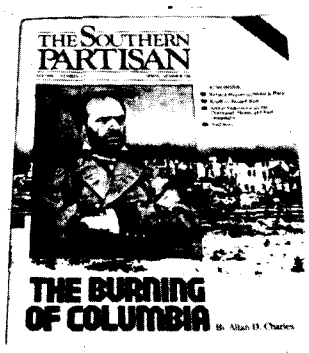

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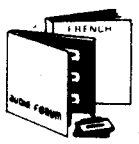

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ism." That is not too illiberal, but Tsongas also had the gall to challenge the $1.1 billion pay raise for union workers included in the federal bailout for the Chrysler Corporation. "Unconscionable," he said. Quinn's complaint is that the liberal-dominated Democratic party responds "almost instinctively to instructions from union leadership. For example, the creation of the Department of Education—a bureaucratic boondoggle if there ever was one—or American bottoms for the maritime unions—probably the most expensive per capita subsidy ever devised. Meanwhile, our support among the rank and file of such union membership is shaky at best and nonexistent at worst."

Much of this neoliberal rhetoric is pleasing to conservatives, but there is a measure of deception in it, a fashionable disguise for conventional liberalism. Certainly neoliberals are not the enemies of government. Moynihan concluded a speech to more than 1,000 reporters, congressmen, and Administration officials (including the President) last March with a paean to government. Democrats, he said, "believe in American government and we fully expect those who now denigrate it, and even despise it, will soon or late find themselves turning to it in necessity, even desperation." Koch followed his riveting election critique before the Democratic National Strategy Council with a plea for restoration of a basically liberal agenda. He appealed for a federal takeover of all welfare and medical assistance, establishment of a Reconstruction Finance Corporation to funnel federal money to public works projects, more federal spending to combat crime, and restoration of the 70 percent tax rate on investment income.

Neoliberals tend to give, then take away. They put forth a refreshing analysis, then trot out the old liberal approach. In his book, Tsongas acknowledges that the Soviets are aggressive and insists that "we as a nation . . . must come to grips with the actuality of the Soviet military buildup." But his recommended policy is approval of the Salt II treaty and a naive application "to overseas situations internal American principles—such as racial equality, equal justice, and self-determination—to forestall Soviet targets of opportunity in the Third World." Bradley urges that risk be injected into the economy again, but he voted for the Chrysler bailout. "I voted for it because I felt on balance the human questions outweighed the efficiency questions," he said. And several neoliberals unhesitatingly opposed across-the-board marginal tax rate reductions for individuals as "trickle down economics" while proposing targeted tax cuts for business that are "trickle down" in its purest form.

There is a name for the impulse to swaddle liberal policies in non-liberal wrapping—Carterism. Carter sounded unconventional and occasionally conservative as a candidate for President in 1976, if only for the sake of expedience. But his policies amounted to liberalism of a defanged sort. Tsongas, the most vigorous promoter of neoliberalism, identifies in his book with Carter's policies on arms control, human rights, Africa, energy, and nuclear power, to name a few. Perhaps it is more than a coincidence, then, that the man who is slouching toward the neoliberal position as he seeks the 1984 Presidential nomination is Walter F. Mondale, Carter's Vice President. Mondale, an aide said, has no intention of competing with Senator Edward M. Kennedy of Massachusetts to be the spokesman for unswerving liberalism. □

CORRESPONDENCE

Misunderstanding Europe

In his editorial "While Germany Sleeps," which appeared in the November *American Spectator*, R. Emmett Tyrrell, Jr. remarks quite correctly that "the Germans' understanding of us is not very sound," which he follows with the observation, "Nonetheless, the United States has come to the assistance of Europeans on no less than three occasions in this century: Two world wars and the unprecedented Marshall Plan."

Many Europeans, not unjustifiably, I think, take a rather critical view of the consequences of two of the occasions when, as Tyrrell put it, "we came to their assistance," as is evident in the following paragraph from an article from a recent issue of the conservative German magazine *Criticon,* by Harald Ruddenklau, who is a political advisor to the Christian Democratic Union:

> The 20th century brought a new element into European history through the fact that the overwhelming intervention of the United States destroyed the European state structure, secured the survival and victory of the bolshevistic Soviet Union and helped the Soviet Union become a world power by handing over to it, by the elimination of Germany, the domination of Central Europe.

If one considers not just the announced purposes of our intervention into the two European wars of this century, but their results, the difficulty of the Europeans to understand us becomes more comprehensible: Wilson's Fourteen Points became the Versailles Treaty, which continued the war with different means and led to its violent resumption in 1939; the Atlantic Charter, which was proclaimed as our objective in intervening again, ended in the agreements made at Tehran, Yalta, and Potsdam. Let us also not forget that the Marshall Plan, unprecedented as it was, followed the equally unprecedented Morgenthau Plan, which, if carried to its final conclusion, would have led to the impoverishment and bolshevization not only of Germany, but all of Europe.

We had no part in the outbreak of World War I, but our intervention had a profound effect on what followed, and not, I think it can be convincingly argued, for the better. For the present highly unstable and tragic state of the world we must bear part of the responsibility; it would be better to recognize this than to take exception to the failure of others to understand us.

—Henry Regnery
Chicago, Illinois

The Litigious Society

Allow me three comments on Joseph W. Bishop's review of *The Litigious Society*, by Jethro K. Lieberman, (September 1981):

1. Discussing malpractice insurance for clergy, Bishop notes that "there is no example of a holy man being hauled into court for professional incompetence. (It would be difficult to prove that his prescriptions for salvation were wrong.)"

Although I can give no specifics, personal contacts told me last spring of a local pastor being sued by the parents of a suicide, on the theory that the pastor's negligent counseling failed to prevent death.

2. Lieberman lists novel tort causes of action. The wildest I have encountered is California's (where else?), "negligent infliction of severe emotional distress," in which a plaintiff may recover for simply being upset by the defendant's less than careful conduct.

3. Bishop says "no court has yet allowed a suit, on behalf of a defective infant, for 'wrongful life.' " No, but in late August, the Seventh Federal Circuit Court of Appeals affirmed a malpractice award of $900,000 to the parents of a defective child. Theory: Because the physician failed to diagnose the mother's rubella, he thereby deprived her of an informed decision to abort. . . .

—Robert K. Olsen
Los Angeles, California

As a first year law student at the University of Virginia, I read with particular interest Joseph Bishop's review of Lieberman's *The Litigious Society*. The comments on "wrongful life" were particularly interesting as our first year legal writing assignments deal with "wrongful life" cases. While I am in no position to doubt Mr. Bishop, I thought his statement ". . . to be sure; no court has yet allowed a suit on behalf of a defective infant for 'wrongful life' . . ." was a little misleading even though accurate.

In *Curlender* v. *Bio-Science Laboratories* 106 Cal. App. 3d 811, 165 Cal. Rptr. 477 (1980), a suit was brought in Los Angeles by a child who was born with Tay-Sachs disease, against the laboratory which provided her parents with erroneous genetic tests prior to her birth. The court sustained defendant's demurrer and plaintiff appealed. The Court of Appeals, Second District, heard the appeal and reversed the dismissal. The court held that there were grounds for the retarded child to collect damages, and they held that she was also entitled to punitive damages.

One paragraph in particular from this incredible case illustrates the direction we are headed if other courts follow the lead of their brethren in California:

(*continued on page 40*)

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DEBTS OF HONOUR

Michael Foot / Harper & Row, Publishers Inc. / $13.95

Herb Greer

Suppose (God help us) that Michael Foot should one day become Prime Minister of Great Britain. What in the world would the Americans make of him? If the American-written introduction to his new book is any criterion, the answer is: not very much. Trying to present Foot to American readers, Harrison E. Salisbury flounders like a Rocky Mountain trout that has somehow been dropped live into the middle of Parliament Square. He offers eccentric comparisons:

> Only William Buckley in America has the mind and learning which might match Foot's . . .

or, even more bizarre:

> Ebbw Vale [Foot's very Welsh constituency] was not Minneapolis, but many of the characteristics seemed similar . . .

Salisbury is also fond of a false analogy, as between the speeches of Adlai Stevenson and the literary essays of Michael Foot, meant to typify some cultural superiority of British politicians to the American species. This rather stupid (and mistaken) snobbery is bad enough, but it hardly prepares the reader for the climax of this introduction:

> Should [Foot's] Labour Party be invested with power over England it would go forth to battle in the heroic cloak of past and present, the Levellers would share pride of place with Canadian press lords, and Hyde Park orators would sit at table with belted knights, all cozy, all English, all moving forward in a wild clash of oratory and a volley of rhetoric fit for Shakespeare and Milton.

In its fatuous academic complacency that passage is so utterly devoid of any sense either of British politics or of Michael Foot himself that one wonders: Was it really written by a world-traveled senior American journalist, or by the resurrected spirit of James Thurber, making one last attempt at dead-pan farce? Anyone who would apply the adjective "cozy" to Britain (not just England) as it might be governed by the present Labour Party must have spent the past few years sealed inside a thermos jug. Contemporary "Levellers" tend to be found in the Socialist Workers' Party or in the ranks of a beady little group called the Militant Tendency; these Trotskyite fanatics have for some time been trying—with recent success—to infiltrate the grass roots of the Labour Party and influence its policies. If they came to have pride of place anywhere, it would probably be on a firing squad that was mowing down belted knights and "press lords" alike. (There is really only one of the latter just now, and he is not Canadian but Australian.) They would then impose an iron-curtain censorship on the media and post thugs at Hyde Park Corner to shout (or knock) down any orator who ventured to criticize the party line. There would, of course, be plenty of rhetoric about: the turgid *agitprop* variety, likely to make Milton and Shakespeare sick to their respective stomachs.

The rest of the book is interesting more for what it tells about Foot himself than for the subjects of his discourse. To paraphrase a famous remark which he quotes in his essay on Tom Paine, Foot gives us a deal of literary plumage, but not very much of the birds. He is a kind of literary taxidermist, using the readings and writings of his subjects as stuffing. He writes with the pen of a journalist who has read widely and remembered most of what he has read, but—*pace* Roy Fuller, whose (London) *Sunday Times* review is quoted on the dust jacket—Foot does grind his own axe almost all the time. It is the rusty weapon of British middle-class socialism, the "Hampstead Left," which substitutes selective compassion for critical thought, symmetry for justice, and a terrible Procrustean egalitarianism for real appreciation of society's uneven, organic human textures.

John Springs

In tone and in most of their content, these essays hark back to an "earlier" Foot, in the days before he became embroiled in the responsibilities of office. An attractive skein of nostalgia runs through them, reminding one that Foot is not only an aging puritanical leftist and the weakest Labour Party leader in decades, but a man who can be warm, generous, personally charitable, and capable of great charm and humor. This is the unanimous testimony of those who know him well, and it belies his dreadful public image. More than one Briton has likened him to a mad scientist: that lank white hair, those ball-bearing eyes peering through thick lenses which seem to hang from brows arching up like the antennae of a mantis, while his harsh thin lace-straight lips snap out imprecations against Mrs. Thatcher and her "criminal government."

With the confidence and (sometimes) uneven flair of a good journalist, Foot ranges over an astonishing variety of people, a magpie-collection with no apparent common ground except the interest of the author himself—I stress, no *apparent* common ground. What, after all, could his father Isaac Foot, bibliomane, puritan, and provincial politician, share with that Fleet Street despot and one-time appeaser of Hitler, Lord Beaverbrook—or either of these with Bertrand Russell or the alcoholic failure Randolph Churchill, egregious son of Winston? In the same gallery we find the radical writer William Hazlitt; the formidable *emmerdeur* and great propagandist Tom Paine; Benjamin Disraeli, "The Good Tory," and the left-wing European Jew, "Vicky," who killed himself at the height of a successful career as a British political cartoonist; Daniel Defoe is there with his contemporaries Jonathan Swift and the volcanically Whiggish Duchess of Marl-

Herb Greer is an American writer and playwright living in Europe.

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borough whose husband Swift helped to discredit*; beside these are set more obscure figures like Ignazio Silone, Italian novelist and Communist apostate, the minor socialist writer H.N. Brailsford, and, most sympathetic of all—and rather more alive than the rest, though the piece on him is one of the shortest—a little-known anarchist and Hyde Park orator called Bonar Thompson.

Foot's "Debts of Honour" to this motley crew are never stated with any precision. The title implies a sort of journalist's answer to the journalistic question, "Who, or what, made you what you are today?" In his foreword Foot says the list is incomplete, and he mentions several other honorable creditors, including especially the great Welsh left-winger Aneurin Bevan to whom he owes "the biggest political debt of all." But there is more to these essays than acknowledgement, simple friendship, and respect. It is doubtful whether Randolph Churchill, a consistent failure who furiously opposed almost everything Foot stood for, could have influenced him very much if at all. And yet here he is, "The private Randolph whose memory many of us treasured." There is a fair amount of praise for the public Randolph, too: "Outrageous and endearing, impossible and unforgettable . . . along with his honesty . . . and his streaks of kindness, it was this reckless courage which shone most brightly," with a talent for "boiling intoxicant invective." But is this a description of Randolph Churchill, or of Foot himself? In the years before Foot accepted office, the words could as easily have applied to him. His principal achievement then was in the role of gadfly, Britain's loudest and angriest Jiminy Cricket. As a brilliant figure of the bourgeois Left, he raged at both Tory and Labour governments from journalistic sidelines and from the back benches of Parliament—formidably eloquent, abrasive, respected as the political embodiment of the decent man's dissenting conscience cloaked in radical socialist rhetoric.

*This rather nasty story is told in detail in another book by Foot, *The Pen and The Sword*.

It is this quondam role which connects Foot with all the subjects in his book. Each one, from the anarchistic "Hyde Park Sceptic" to the Tory Prime Minister Disraeli, shared that critical contrary streak which has sustained Foot through so many years; with a wonderful gift for oratory and wit, this made him one of the deadliest debaters in the House of Commons, and gave him that peculiarly intoxicating specific gravity which the political maverick acquires and enjoys probably more intensely in Britain than in any other country. For most of his career, Foot has refused to dilute it by accepting the responsibilities and compromises of office.

His book displays this free-ranging spirit, and not just in its kaleidoscopic selection of subject matter. Foot does not discourse like a scholar; instead, he natters or rambles through and over his people like an excited tourist, browsing around them as it were in a manner which Foot himself points to in his foreword. Speaking of his father, he says:

> He loved books and taught me how to read and love them too; . . . in such a manner that every other activity—politics especially—has become associated with books, and, in particular, with books about books.

These are paradoxical words for a man who was asked upon coming down from Oxford whether he would like to be a don and replied, "No. I want the real world." During most of his career he manifestly did not want anything of the kind, being primarily concerned to damn and blast the real world with its anomalies, its messy compromises, its necessary dirty deals and vagrom unpredictability. Having no ideas of his own, Foot found it easy to dissolve into the currents of British middle-class socialism, the perfect faith for a man whose politics are "associated with books, and, in particular, with books about books."

Where the subjects of his essays have sinned against his faith or its axioms, Foot is prepared to forgive them—though one cannot help noticing that his shriven sinners are all dead. In "The Case for Beelzebub," he does his best as an advocate for the man whom he says he loved as a second father: Lord Beaverbrook; but this is a flagrant case of affection at the expense of principles. The Tory journalist Jonathan Swift is pardoned because of *Gulliver's Travels*; Disraeli, "The Good Tory," is redeemed in Foot's eyes (almost) by his outsider quality and by a tinge of feminism which Foot tries to extract from Disraeli's writings and secret sympathies. The Grub Street hustler and journalist Daniel Defoe is also given a feminist label, mostly on the evidence of *Moll Flanders*.

If Foot's preoccupation with feminism appears forced at times, this may be because it does not come naturally to him, but springs from the prompting of his very radical chic wife, Jill, an ex-producer of documentary films and a writer on her own account. Because of her scorn at "a book without a woman," Foot has included a "Defence" of the early eighteenth-century Whig aristocrat, the Duchess of Marlborough, who is praised for her wit and for the toughness which earned her a reputation as a monumental virago. He suggests that the epithet is unfair, and gives special applause to the lady's political intelligence during the Byzantine intrigues of Queen Anne's reign. Most of all he admires her stubborn adherence to Whig principles. This tribute is amusing in light of Foot's bitter (and sometimes hysterical) diatribes against Mrs. Thatcher, who so closely resembles the Duchess in temper, and indeed more in philosophy than Foot does himself. With no apparent sense of irony he writes: "It was the men . . . who had allowed things in England to go from bad to worse, and Sarah, given her magnificent head, could have saved it all."

"Saving it all" has been the focus of Foot's energy both before and after taking office, and he has chosen some odd means to this end. Before (and more cautiously after) taking up his first government post as secretary of state for employment in 1974, he deployed words, orated and printed, praising Social Justice, Democracy, the Common Man, and denouncing the tyranny of Capitalism, political chicanery, poverty and injustice (like his colleagues he tends to equate the two), and, of course, all forms of oppression as he defined the word. His essay on Tom Paine glows with fellow feeling for the difficult, eloquent pamphleteer, implying if never claiming in so many words a common membership in the age-old anti-establishment, anti-tyranny protestors' club. It would be worth a long and expensive search to find a medium who could ask the departed Paine what he thought of Foot's reference to him as "The American Trotsky." It would be even more interesting to know Paine's opinion of this champion of Democracy and Individual Rights who has so enthusiastically wheeled and dealed with the big bosses of British trade unionism who achieve and hold their positions by notoriously undemocratic means. Would Paine return the esteem of a Foot who has done more than any British politician in modern times to foster the tyranny of the closed shop, and whose Labour legislation gave such scope of power and legal immunities to British unions that many observers feared the country was heading for a quasi-syndicalist corporate state? Even the normally

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moderate *Times* was moved by this to pose the editorial question: "Is Mr. Foot a Fascist?"

Foot's association with what Labour (now SDP) moderate Shirley Williams once called "the fascism of the Left" has not loosened with the passage of time. He himself insists that office has made him not less but more of a socialist, and he has shown a curious passivity to left-wing extremists in his party. Though Tony Benn lost (by a paper-thin margin) the party election for the post of Foot's deputy, the recent Labour Conference did adopt the bulk of the policies which Benn and his supporters have inspired: unilateralism and evacuation of American nuclear bases, withdrawal from the EEC, massive expansion of the public sector and public spending, etc., etc. None of this has been disavowed by Foot, who has in fact been a unilateralist for more than two decades. He has also accepted quite cheerfully a reshaping of Labour's selection procedure for Parliamentary candidates which will enable party apparatchiks to dominate MPs in the "disciplined" manner of certain prewar parties in Germany and Italy, or of the "socialist" parties in Eastern Europe today. Where Foot has moved against any of this, it has not been to extinguish the policy, but to fard it over and avoid frightening voters. The election of Denis Healey as his deputy is just such a cosmetic gesture in a party whose grass roots are now ruled largely by the raging Left.

Have we, then, the mad scientist after all, intent on building not Jerusalem but a human battery farm in England's green and pleasant land? The image, like a great deal of comment on modern political personalities, leans a little too hard on the cultural icons of comic books. It also leaves out the peculiar affection which Foot can inspire even among those who oppose him most fiercely. He really belongs in another more literary frame, one carved about 400 years ago by Miguel Saavedra de Cervantes. Exactly as Don Quioxte was swept away by fancies of knight-errantry culled from the reading of too many books (which overheated his brain), so Foot has been carried off on a torrent of Romantic nineteenth-century socialism, tilting with pen and Parliamentary lance against a cigar-smoking cabal of bosses who live now only in the scenes and pages of left-wing melodrama, and on behalf of an oppressed working class which no longer exists. He shares the illusions of the class war which are swirling up from Labour's grass roots to dominate the party,† most of whose Sancho Panzas have taken their common sense and their retreaded "moderate" policies into the ranks of the SDP.

The nostalgic glow of *Debts of Honour* throws into relief the important difference between the literary and the British "Knight of the Sad Countenance." The Don died in his bed, tragically reconciled to God and forswearing his illusions. He had made his share of mischief, as a man fighting alone—not just for comically obsolete rituals, but as an embodiment and celebration of that saving grace which makes an individual hold out, *à l'envers et contre tout,* against those who reject his dreams of better things. No political power was ever put into his hands to spoil the perfection of those dreams. Foot has not been so lucky. His dreams are now on the verge of being cast into the corrupt forms that occur when hope is hardened into a *diktat* and a selective compassion is imposed—by force if necessary. Perhaps, in that dark place where most men keep their fundamental honesty, Foot is aware of this corruption, and knows well enough how it may end in the most stultifying and cruel tyranny. Perhaps that is why a *Times* columnist could ask recently, "Is there a sadder figure in politics today than Michael Foot?" He does seem by fits and starts not a furious and energetic mad scientist, but the wan and rather weary figurehead of a party once possessed, like himself, by a fine madness now going sour. Perhaps that is one reason why he wrote this book—to evoke and preserve in its pages some of the moments when that madness was still a rich source of inspiration and optimism for good men, with Foot himself among the best of them. □

†The new breed of Labour activist is usually middle class and university-educated.

SELECTED LETTERS OF RAYMOND CHANDLER
Edited by Frank MacShane
Columbia University Press / $19.95

Terry Teachout

Though the saga of Philip Marlowe, private detective, drew to an unexpectedly feeble close over twenty years ago with the novel *Playback,* Raymond Chandler's seven Marlowe books still continue to attract new readers and fascinate old ones. What is perhaps more surprising, however, is the extent to which Chandler has been posthumously taken up by the academic machine. Budding thesis scribblers will find their paths smoothed by a checklist, two critical studies, a biography, a collection of critical essays and reminiscences of Chandler, two volumes of uncollected and unpublished miscellaneous prose, and a poorly edited, long-unavailable selection of letters. Now Frank MacShane—who wrote the biography and edited one of the unpublished prose collections—has produced a new volume of letters to supplant the 1962 *Raymond Chandler Speaking,* one which bears the imprint of no less august a firm than the Columbia University Press. Chandler buffs, of course, will find all this activity perfectly reasonable; but readers less familiar with the progress of Philip Marlowe down the mean streets of Los Angeles may be wondering just what all the fuss is about.

Terry Teachout is jazz critic for the Kansas City Star.

To some extent, the current interest in Chandler is a product of exclusively academic concerns: Hemingway and Fitzgerald have been pretty thoroughly worked over by now; popular culture is big in English departments these days; and Chandler's complete output (like T.S. Eliot's) is small enough to be read through in a single week. But Chandler has long been taken seriously by a wide variety of authors and critics ranging from Somerset Maugham and Elizabeth Bowen to Anthony Burgess and Wilfrid Sheed. "Chandler is interested in writing, not detective stories, but serious studies of a criminal milieu," W.H. Auden wrote in 1948, adding that "his powerful but extremely depressing books should be read and judged . . . as works of art"; and Edmund Wilson, in his 1945 essay "Who Cares Who Killed Roger Ackroyd?," took time out from a withering salvo directed at the entire detective story genre to confess grudgingly that Chandler had the power to "invent character and incident and to generate atmosphere . . . a malaise conveyed to the reader, the horror of a hidden conspiracy that is continually turning up in the most varied and unlikely forms."

Of course, Chandler's limitations as a serious writer—the soft core of sentimentality at the heart of his work, the infrequent but horrendous purple patches, the implausible characterizations—are hard to overlook, and no one knew this better than the man responsible for them. He squirmed at the schoolboy gush implicit in Auden's praise: "Is this a criminal milieu?" he wrote to a friend. "No, just average corrupt living with the melodramatic angle over-emphasized, not because I am crazy about melodrama for its own sake, but because I am realistic enough to know the rules of the game." And the most melodramatic thing about the Philip Marlowe novels was Marlowe himself, a Walter Mitty daydream with a cynical line of backchat and a badly disguised romantic streak, whose ability to step directly from the fantasy life of Chandler into the fantasy lives of his readers was—and is—chiefly responsible for his enormous popularity.

Yet Chandler, in spite of everything, evokes a response far different from that given to such authors as Hammett or Rex Stout; in some elusive way he is a real writer while they are merely superlatively competent entertainers. The difference is an open secret: It is a function of style. Much has been written about the Chandler style, an iridescent confection of colorful slang, acute observation, and startling juxtaposition; yet few have gotten to the point as neatly as Billy Wilder, reminiscing in an interview about his collaboration with Chandler on the screenplay for *Double Indemnity.* "I read two or three of his novels," Wilder recalled. "They were no great structural things. They had nothing to do with the Conan Doyle or Agatha Christie type of superb plotting. They weren't even as well plotted as Dashiell Hammett; but by God, a kind of lightning struck on every page. How often do you read a description of a character who says that he had hair growing out of his ear long enough to catch a moth?" Such jolts of verbal electricity light up Chandler's pages from beginning to end, and they are

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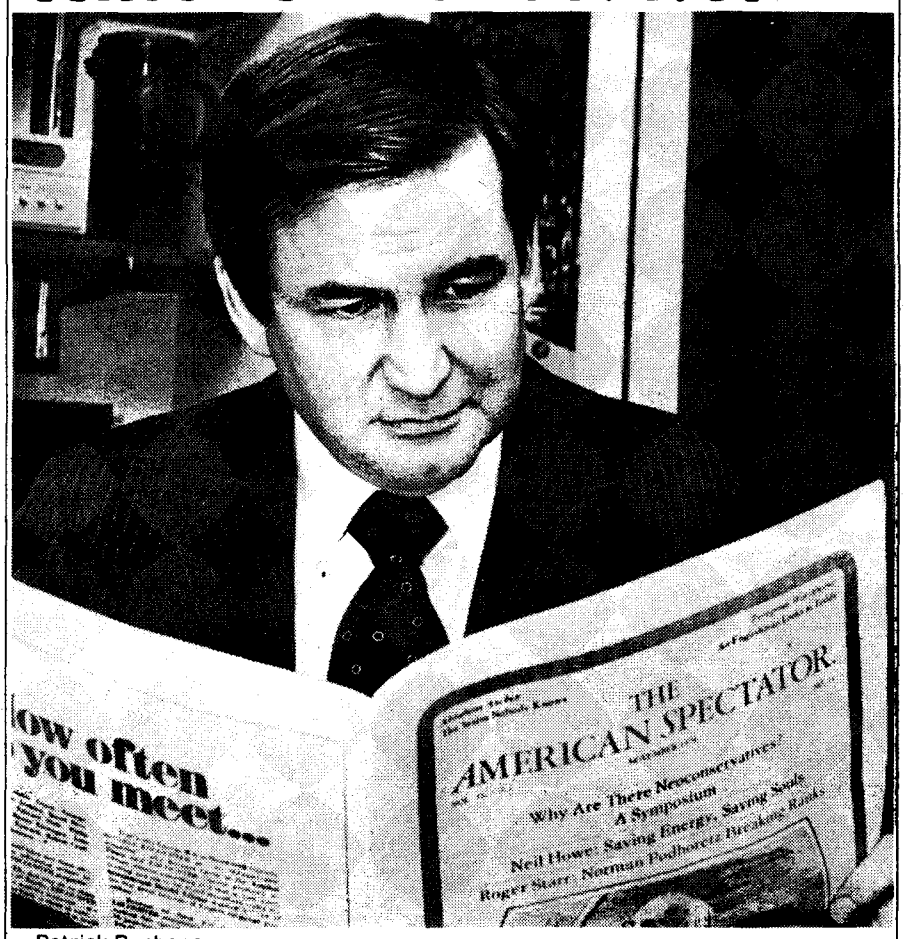

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integrated (though not always deftly) into a prose texture so rich and persuasive that Chandler's novels, flaws and all, have earned the standing of minor masterpieces. "As a writer," Miriam Gross has said, "he owes everything to his style; which is perhaps just another way of saying that he *was* a writer, not just an entertainer, and one whose work seems likely to outlast many a contemporary with apparently more serious pretensions."

Chandler's virtues as a writer are equally apparent in the letters Frank MacShane has chosen for his new collection, and they are joined by something not found in the novels: the literary opinions of a widely read, unusually perceptive correspondent. Sometimes the opinions come wrapped inside a patented Chandler simile; Edmund Wilson's *Memoirs of Hecate County,* for example, is dismissed as "indecent enough . . . and in exactly the most offensive way—without passion, like a phallus made of dough." More often, though, they are delivered straight, and are none the less impressive for it; writing to Charles Morton about the reason why Dashiell Hammett stopped writing, Chandler simply suggests that "he may have come to the end of his resources in a certain style and have lacked the intellectual depth to compensate for that by trying something else." The letters tell us much about the life of a troubled, difficult, and uncertain man, and so they will interest anyone curious about the details of Raymond Chandler's career; but they also provide innumerable glimpses into the mind of an insightful author who knew his craft, and so they will also interest anyone who cares about literature.

Despite its formidable accumulation of detail, Frank MacShane's Chandler biography was oddly unsatisfying; so it is a pleasure to report that the present volume is first-rate, not as good a job of editing as (to cite a model example) Carl Bode's *The New Mencken Letters,* but infinitely better than, say, Carlos Baker's recent Hemingway collection. Correspondents and references are identified carefully, and the index is thorough. Whenever possible, MacShane has returned to the original letters instead of using the edited versions reprinted in *Raymond Chandler Speaking*—a commendable decision; the whole adds up to an outstanding piece of work and a highly readable volume in its own right. Those who, over the years, have had cause to regret the fact that Chandler wrote so little will want to add *Selected Letters of Raymond Chandler* to their shelves at once. It isn't another *The Long Goodbye,* but it will do. □

THE PERSISTENCE OF THE OLD REGIME: EUROPE TO THE GREAT WAR
Arno J. Mayer / Pantheon Books Inc. / $16.95

T. John Jamieson

Professor Mayer wishes to establish that World War I, the "war of the masses," was not a venture in capitalist expansion, but an attempt by the ancient feudal aristocracy of Europe to recover its ebbing political and economic hold. To this end he furnishes 300 tedious, repetitious pages of generalizations and statistics showing how the *ancien régime* continued to own most of the land, thereby controlling the languishing agricultural economy; how successful businessmen were assimilated into the aristocracy, ostensibly to keep them from conspiring to overthrow it; how "rotten boroughs" mitigated the effects of universal suffrage; how museums discriminated against *avant-garde* artists; how the Papacy "feudalized" religion; and how classical education kept down budding Marxist historians. Professor Mayer, who received his doctorate at Yale, and taught at Columbia, Brandeis, and Harvard before arriving at Princeton, is a Marxist historian. Bismarck's phrase for his kind was "intellectual proletarian," what Paul Elmer More called "a *nouveau intellectuel,* bearing the same relation to the man of genuine education as the *nouveau riche* to the man of inherited manners." We understand too that Waugh spoke of "university-nurtured cultural barbarians." The book

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is dedicated to the evangel of sixties' campus anarchy, Herbert Marcuse. Professor Mayer's existence is evidence of the persistence of another regime.

His atrocities of language bear witness to the observation that history is no longer a literary discipline: "bourgeoisification," "denoblement," "monumentalization," "artisanal," "associational," "historial," "*fin* du *siècle.*" Couched in his unreadable style is an account of prewar European society distorted to support his theory. Among his abounding absurdities are these: As evidence of the nobility's domination of agriculture through ownership of land, Mayer cites the Duke of Sutherland, whose million Scottish acres were fit for little more than a gigantic hunting preserve. Oscar Wilde, dandy *manqué,* appears in Mayer's book as an."aristocratizing" champion of the old order, despite his authorship of an infuriating book called *The Soul of Man Under Socialism.* And, curiously, the Marxist who values art only as "social criticism" seems to take the side of modern abstract artists (decadent aestheticists condemned by Soviet academicians) against the taste of the *ancien régime*'s academies. A royal academy condemning bad taste constitutes, in Mayer's view, a reactionary political conspiracy and leads to a world war. It is as though to say Lord Jeffrey's disgust with Wordsworth ("This will never do . . .") was a distant cause of the Napoleonic defeat.

Mayer fails even to render a picturesque account of the *ancien régime's* crepuscular splendor. Instead he provides a dry report on the process of annoblization (assumption into the nobility of worthy candidates from inferior classes) which he castigates as "co-optation" of the middle class. This means another reactionary conspiracy to keep bourgeois "class consciousness" from forming, which would lead automatically to the abolition of aristocracy. Never mind that annoblization has occurred for centuries, even before the existence of heraldry, since families do become extinct and are supplanted. Mayer at once pities and despises the men of wealth aspiring to the prestige of men of birth; social climbing is actually self-humiliation. Somehow, Mayer implies, kings and lords would have been more honest in their contempt of inferiors to have kept the upstarts down completely. These royal scoundrels even had the audacity to grant hereditary titles to Jews. Furthermore, for the sake of completeness, Mayer incorporates republican France into his theory of an enduring *ancien régime,* speaking of its society as though an invisible king continued to preside over it. But the assimilation of American heiresses into the Faubourg St. Germain was not a cause of World War I, indirect or otherwise.

To the Marxist mind, classical education was also a reactionary conspiracy, therefore a cause of the war. Mayer nods to the notion that studying Aristotle, Virgil, and Horace instilled ideals of *honor*; but such a word echoes meaninglessly in the hollow dark of Marxism. One might choose to consider the extent to which a system based on honors, honorifics, and codes of honorable behavior was actually a rule of honor; but the professor of dialectical materialism has decided in advance that any pretensions which would raise man above the primordial slime are a monstrous joke. Mayer maintains that the classics were really "a finely tuned screening mechanism," and a device for the "co-optative integration of the sons of magnates of business and the professions into the ruling class." Presumably this literary education, which often diverted

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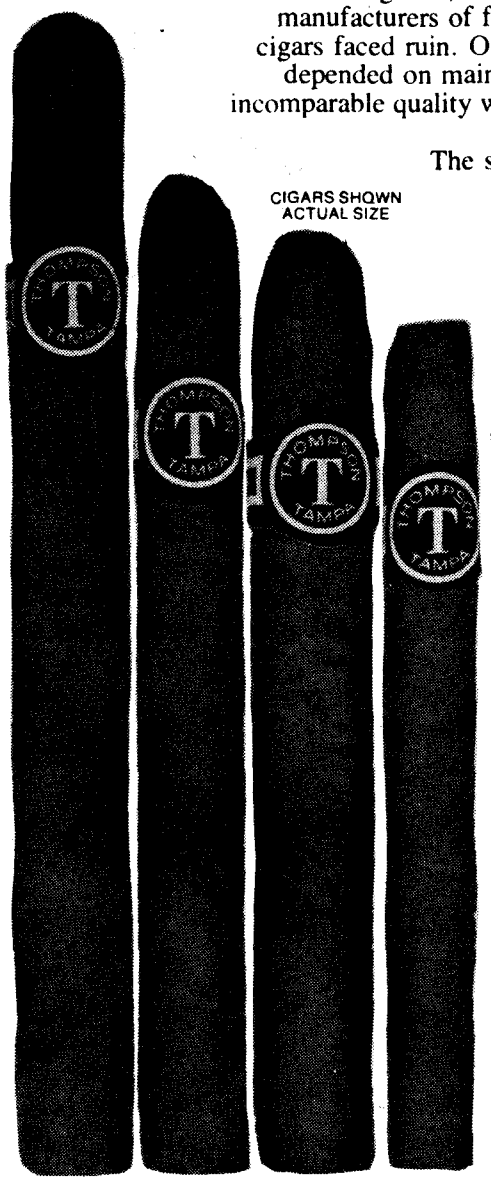

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the sons of the bourgeoisie into the academy or the arts, also impeded the formation of "a counterelite and counterhegemony" by keeping the scions from piling million upon million through the second generation.

Mayer sets out to prove that monarchy itself was the immediate cause of the Great War; then he destroys this thesis by stating that both world wars were really one war with the same cause. A more credible Princetonian, Paul Elmer More, wrote an essay in November 1914 called "The Philosophy of the War," in which he cited "Nietzscheism and Treitschkeism" as the paramount excuses for German aggression. The Will to Power, not *Dieu et mon droit,* justified the war to its promoters; Pius X refused to bless Franz Josef's cause. A romantic creed of nationalism which glorified strength for its own sake triumphed over traditional morality, which would have found the Central Powers on the unjust side. This romantic creed is the slender fiber which supported Nazism—an anti-aristocratic movement setting out to institute *national* socialism before conquest by *international* socialism. Mayer mentions the paradox of the aristocracy, which Nietzsche excoriated as "decadent," taking up Nietzscheism as a goad to drive the masses into fighting its war. But 20 years later a political establishment that was the *ancien régime*'s antithesis harnessed the same doctrine for the same ends. The fault lies in individuals, not institutions.

In his 1914 essay, More notes that the nation which gave the world Nietzsche also gave it Marx. Both were the ugly spawn of the original romantic heresy which he and colleague Irving Babbitt found personified in Rousseau. The two clashing impulses of romanticism, egoism and humanitarian sympathy, ultimately divided into mutually exclusive philosophies, though both were equally relativistic and antinomian: Communism and the creed of the Superman. In the egregious Professor Mayer we observe the representative of one side of the heresy trying to analyze a situation induced by the school of the opposite extreme. The result? Utter irrelevance.

Burke observed that human vices are the cause of great public evils. Human ideals are only the pretexts. Monarchs may be the actors and instruments of evil, but "you would not cure the evil by resolving that there should be no more monarchs." Different ages have different names for the actors and different ideas for the pretexts; the evils remain the same, as does their consequence. Only romantics believe that the evils can be eradicated, or else *revised* into virtues.

Few will care if Mayer's kind seek academic tenure by beating dead horses; but creators of havoc in the world of ideas must not be tolerated. We know that Communism is founded on a lie; we may say that monarchy is based on a myth. But the assumptions beneath democracy are historically, philosophically, and theologically, at best questionable. The voting machine perpetuates a far more pernicious superstition than the Holy Ampulla. The idealism of democracy is a poor thing beside the idealism of monarchy, and this fact should humble us. For the doctrine of divine right, as T.S. Eliot pointed out, is really a doctrine of divine responsibility. Christian kings have souls subject to damnation. Democratic politicians, though they promise never to tell a lie, do not claim to have souls. This Eliot meant when he said they "are not men enough to be damned." They bear, therefore, no responsibility, only "accountability" before what Coriolanus called the beast of many heads. In the end, "making the world safe for democracy" is as absurd a pretext for war as the Will to Power.

What Mayer calls the "Thirty Years War of the twentieth century" resulted in the fall of nine European thrones; in their place are three socialist regimes and eight Communist dictatorships. Liberal American politicians, encouraging social democrats and dictating plebiscites in defeated countries, as well as acquiescing to the captivity of Eastern Europe, seem personally implicated. The world might be quite different today, had the place of Wilson and Roosevelt been filled by men who understood the latent virtue of prescriptive institutions. □

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JOURNEY TO NOWHERE: A NEW WORLD TRAGEDY
Shiva Naipaul / Simon & Schuster Inc. / $13.95

Howard Kaplan

Three years after Jonestown the Monday morning quarterbacking continues. *Journey to Nowhere* makes its appearance among a fresh batch of "as told to" hack works and hard-core investigative accounts.

Howard Kaplan is a free-lance writer living in Minneapolis.

Compared with the competition, Naipaul's effort is a miracle of imagination. The first literary man to tackle Jonestown, he's turned this ready-made horror tale into the occasion for a travel book heavy on the sarcasm. The journey to nowhere is Naipaul's journey. We begin with the apprehensive author zooming into Georgetown in late 1978; a London resident, he hadn't heard of People's Temple until the cyanide party two weeks before. His only plans are to see what he can see.

Yet the Trinidadian-born Naipaul wasn't really starting from scratch. Over the years he and his big brother, V.S. Naipaul, have been bringing us the news from Third World hellholes in their fiction and nonfiction. And the Third World angle is what Shiva is pushing here part-time—another miracle, since everyone but Shiva seems to forget that the Jonestown folly occurred in Guyana. At first he feels like backing out, not because he has to "solve" 900 deaths, but because he has to set foot into the Cooperative Socialist Republic (Guyana's tag since 1970). Because he follows world politics like

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a spectator sport, he already knows what a loser of a place it is. (He's given a fresh reminder when the Guyanese on board his flight plunder the bathroom of the Charmin.) Guyana's idea of cooperative socialism is particularly impressive: The chief of state dons a dashiki and calls himself Comrade Leader; every conceivable institution is fronted by the word "People's"; bureaucrats sign their dispatches "Yours cooperatively." Almost as impressive are Guyana's vaunted racial harmony and communal farming: The ruling party is black, the Opposition is Indian, and everyone goes hungry.

No wonder Jones picked Guyana for the site of his utopia. With its People's this and People's that, its fairytales of racial chumminess and of green-thumb productivity, Guyana was already a king-sized Jonestown. Jones and the Comrade Leader, one of the world's ranking black moneybags, understood each other as only hucksters can. In exchange for favors —you name it—the Guyanese government left Jonestown to its own devices. The rest is history.

On checking in at the Pegasus, Georgetown's finest, Naipaul hangs loose in the lobby. The sight of the American journalists' well-weathered briefcases causes him pain. What will he write about? Well, the journalists for starters, the Pegasus itself, a hotel waitress. ("It's a strange thing," says the waitress of Jonestown, "but not many people hear of that place till they went and kill themselves.") He dips into the *Guyana Chronicle* and reads us post-Jonestown news. He stuffs his pockets with glôssy brochures. One of them, titled "Jonestown—A Model of Cooperation," describes the settlers as having "found themselves in a land of spectacular beauty, graceful trees and beautiful, friendly people of many races." Occasionally he goes poking around town. There's a sympathetic visit to Opposition headquarters, and a joyless one to a golf course haunted by what's left of the Guyanese middle class—"ruined people in a ruined setting, seeking after pleasure which could no longer be found, pretending to enjoy themselves." Naipaul, whose first two books were novels, prowls with a novelist's instincts even in his nonfiction. Under his eye every object, every chance encounter, yields up meaning that the reporter purebreds miss. This is not the kind of man, thank god, who squawks of conspiracies, cults, and the devil in Mr. Jones. Naipaul may be a novelist at heart, but he's not a cheap one. Even "the melodrama of the suicides" fails to lure him. Accompanied by his scribbling rivals, he does manage a once-over of the ghost town. But he avoids the easy porn of a suicide replay, insisting that the 900 bodies "obscure the real issues." For these he hustles off to California.

In the Golden State, Naipaul keeps the questions simple. What did you think of Jim Jones? Why did you join? Why did you quit? Why did you not quit if you knew he was no good? The simple-minded answers are of a piece. Jim Jones controlled my mind (a real favorite); or, I did his bidding but I always distrusted him (see the Nuremberg Trials). Survivors and defectors jabber of their innocence until blue in the face, and it drives one crazy. Many of these are the same people—the Temple's educated white elite—whose reason for joining up in the first place was, by their own admission, liberal guilt. Now guilt of any kind is unknown to them.

Toward all parties Naipaul shows remarkable fairness—the man lets everyone have it. Jim Jones, the self-professed Stalin-lover, tortured his black disciples with news of impending reprisals from Nazis and the KKK. As for the Concerned

In earlier epochs, a critic tormented only the writers...

Of all the cants which are canted in this canting world—though the cant of hypocrites may be the worst—the cant of criticism is the most tormenting.

Laurence Sterne

In ours, he torments everybody.

Recently a middle-aged father published a book about his sordid adventures in massage parlors, wife-swapping communes and the worlds of easy sex and prostitution. The critics were grateful to Gay Talese. *Newsweek* said that "Talese's research has an awesome solidity about it." *Vogue* was proud of "... Gay's triumph over the puritanical strictures of Ocean City, strictures that so inhibited him that he didn't even masturbate until his second year in college." And the *Chicago Tribune* – a newspaper respectable primarily in its own eyes—turned its enthusiasm into promotion by running excerpts of *Thy Neighbor's Wife* for Chicagoland families to read.

The state of literary criticism today strongly confirms Laurence Sterne's warning: the cant of criticism *is* the most tormenting. To make things worse, the modern media have transformed the critic into a midwife of mass consciousness. Regardless of what we wish to know or ignore, we live with cultural events and their consequences —as interpreted by the modern critic. Sadly, what passes for "cultural criticism" in *Time, Esquire, Chicago Tribune, Ladies Home Journal,* et al., amounts to an elitist, moral shoddiness.

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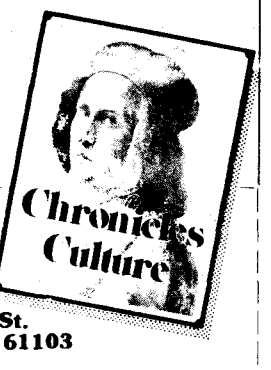

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Relatives, they "have never denied that they took Jones's threat of a mass suicide seriously. They made a great deal of it, using it to draw attention to themselves and their campaign. They feared it, and yet, by their words and actions, they helped create the conditions in which it could take place."

Naipaul's first reaction on hearing of the massacre was something like, Well, that's Guyana for you. Meanwhile, back in the States, we were thinking, Figures, they're from California. I wonder whether Naipaul knew how popular a sentiment this was here. After knocking around the Bay Area awhile he voices the sentiment himself—with an air of telling us something new. Perhaps this couldn't be helped: Naipaul had his British readers to think of (*Journey* came out in late 1980 in England under the title *Black and White*), and I trust his vision of California was a revelation to them. Questions of originality aside, however, Naipaul's judgments are necessary and correct. After skirmishing with esties, Zen Buddhists, Male Libbers, Black Panthers, Save-the-Whale maniacs, etc., he begins to see Jim Jones for the typical San Franciscan he was—a Midwestern refugee with a taste for raising consciousness. So, The City (and, by association, the rest of America) takes the Jonestown rap along with Guyana.

"What is to be done with them?" Naipaul asks, and by "them" he means American blacks. It is the book's most important question; indeed, it's the most important question posed by Jonestown. Rumors of CIA conspiracies are just so many red herrings. Of all the Jonestown commentators only Naipaul sticks to the main issue with any passion. "One can sense at a certain level," Naipaul writes of Jones, "his raging hatred of the blacks whose god he claimed to be; a hatred so deep-seated, so tormenting that, in its fury, it turned itself inside out and called itself Love." □

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CORRESPONDENCE

(continued from page 32)

If a case arose where despite the due care by the medical profession in transmitting the necessary warnings, parents made a conscious choice to proceed with a pregnancy, with full knowledge that a seriously impaired infant would be born, that conscious choice would provide an intervening act of proximate cause to preclude liability insofar as defendants other than the parents were concerned. Under such circumstances, we see no sound public policy which should protect those parents from being answerable for the pain, suffering, and misery which they have wrought upon their offspring. (p. 488)

The implications of this kind of thinking are staggering, but such thought processes would lead nowhere were there no Supreme Court endorsement of abortion. . . .

—James W. Huston
Charlottesville, Virginia

I thoroughly enjoyed Professor Joseph W. Bishop's review of *The Litigious Society* (September 1981), but offer two further observations. In addition to the explosion of products liability, medical malpractice, corporate/securities, and habeas corpus actions in recent years, one must include the now-ubiquitous federal "civil rights" lawsuits against governmental entities under (Title 42, United States Code) section 1983 and the blight of "employment discrimination" causes of action created by Title VII of the Civil Rights Act of 1964, the Age Discrimination in Employment Act of 1967, the Equal Pay Act of 1963, and their multifarious state law counterparts.

The section 1983 crisis is a wholly self-inflicted one; the Burger Court, despite a largely undeserved reputation as a "conservative" coalition, has single-handedly resurrected the archaic "Ku Klux Klan Act" (the Civil Rights Act of 1871) in a series of decisions which, *inter alia,* abrogated existing immunity doctrines (*Monell* v. *New York Department of Social Services* [1978]; *Fitzpatrick* v. *Bitzer* [1976]; *Edelman* v. *Jordan* [1974; *Scheuer* v. *Rhodes* [1974]) and allowed the imposition of attorneys' fees against state governments (*Hutto* v. *Finney* [1978]). The torrent of employment discrimination litigation is, in contrast, mainly a product of legislative zeal to rectify every incident of real or imagined "unfairness" in society, even among private individuals so long as they are among the most disfavored group in America: the employer. This mindless drive for "fairness" in all things (probably a variant of the egalitarianism/envy that Lino Graglia lampooned so effectively in these pages not long ago [May 1981]), is manifest in the present campaign for federal reparation on behalf of the West coast Japanese-Americans who were interned (after the attack on Pearl Harbor) in World War II. How litigious can society get?!

My second point is a substantive qualm. I don't know what Professor Bishop was referring to when he cited the "ultra-conservative" Supreme Court of long ago which struck down "legislative efforts to improve the conditions of labor." I assume that he was joining his collectivist colleagues in their standard denunciation of "the discredited *Lochner* era." It disturbs me to hear conservative legal scholars (especially those as eminent as Professors Bishop and Karl O'Lessker [March 1981]) voice blanket objections to the judicial treatment of economic and property rights as *bona fide* constitutional liberties. Why should courts abdicate review of economic legislation—prompted by hostile, envious, or simply misguided majorities—if property rights are an indispensable component of personal freedom? Equating economic liberties to the half-baked privacy/autonomy theories of *Griswold* v. *Conn.* and *Roe* v. *Wade* unjustly trivializes the former while dignifying the latter. . . .

Responsible conservatives must, I submit, address the New Deal/New Class animosity toward freedom of contract with a critical eye. Can we really accept Justice Holmes's facile characterization of the fundamental precepts of personal and political freedom as debatable assumptions of social science? The difference between slavery and self-ownership, between tyranny of the majority and freedom, can never be debatable to men of principle and reason, the obfuscations of Legal Realism notwithstanding. . . .

—Mark S. Pulliam
Sepulveda, California

In the September 1981 issue of *The American Spectator,* Joseph W. Bishop, Jr., reviewed the book *The Litigious Society* by Jethro K. Lieberman. During the course of his review, at page 32 of your publication, Mr. Bishop made the statement in connection with a discussion of no-fault legislation that "in all but one or two states the American College of Trial Lawyers and similar organizations (very powerful lobbies, for lawyers are grossly over-represented in most legislatures) have managed either to defeat or emasculate such bills."

The American College of Trial Lawyers is a professional association of lawyers skilled and experienced in the trial of cases, and membership in the College is by invitation only. The College has never engaged in lobbying in any state on the issue of no-fault legislation or any other issue. . . .

I have written to Mr. Bishop about this matter and suggested that he had perhaps confused the Association of Trial Lawyers of America (ATLA) with the American College of Trial Lawyers (ACTL). Mr. Bishop's responses are somewhat difficult to interpret, but I think that generally he concedes that this is the explanation.

On behalf of the College, it is requested that a correction be published stating that Mr. Bishop was in error and that the American College of Trial Lawyers has not been engaged in lobbying so far as your publication is aware.

—Alston Jennings, president
American College of Trial Lawyers
Little Rock, Arkansas

Joseph W. Bishop, Jr. replies:
Like Robert K. Olsen, I have heard of clergymen being sued, but to the best of my knowledge, only for "malpractice" in their capacities as marital counsellors, etc. However, I have been unable to find any reported case of this sort. Jurisdictions other than California do allow damages for "emotional distress" caused parents by the birth of a defective child, but California is certainly a leader in this area. The courts of various jurisdictions have developed a large variety of limitations on the right to recover damages for emotional suffering, unaccompanied by any physical injury. Actually, most courts that have considered the question do allow damages to the parents of defective children whose defect is caused by some medical malpractice, including the doctor's failure to diagnose the defect and inform the parents of their right to choose an abortion. Such damages would normally include medical and other expenses of caring for the defective child and sometimes compensation for emotional suffering.

James W. Huston is right about the *Curlender* case; I was not aware of it when I wrote my review. I think the decision is wrong. It remains to be seen what the California Supreme Court will do if there is an appeal, as I expect there will be.

I am in agreement with some aspects of Mark S. Pulliam's point of view. I think that the framers of the Bill of Rights intended to give as much protection to property and economic freedom as to personal freedom. But in neither case do I think that the Justices should use the Constitution to impose their personal views, economic or social, on legislatures. My objection to cases like

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Lochner v. *New York* is the same as my objection to cases like *Roe* v. *Wade*.

Alston Jennings is correct in suggesting that I confused the Association of Trial Lawyers of America with his organization, which is fairly easy to do for those who do not have a close knowledge of the two groups. I have no reason to believe that the American College of Trial Lawyers has lobbied against no-fault legislation, although some of its members may have done so in their personal capacities. I thought I had said as much in a letter to him, but he seems to have difficulty interpreting sentences that contain qualifying clauses.

Insensitiveness

In his characteristically charitable review of J.K. Galbraith's recently published autobiography ("The Worldly Ways of John Kenneth Galgraith," *The American Spectator,* October 1981), Sidney Hook conjectures that "Galbraith has no notion of what the dictatorship of the proletariat means in Communist theory and practice"; and Hook proceeds to notice several examples of this—as he delicately has it—"insensitiveness."

It is time for an American public to read some extracts from the wit and wisdom of J.K. Galbraith, as vouchsafed in an interview with a representative of the West German journal *Die Zeit*. These gems were mined by Sir Keith Joseph, now Margaret Thatcher's minister of education, and by him displayed to readers of the *Times* of London in letters published on 1 April and 4 May 1977. Galbraith in that interview followed his recent announcement that he saw himself as a socialist with the chilling, bold, and for once consistent confession: "I am not particular about freedom." Challenged as to how he could say this within sight of the Berlin Wall Galbraith showed that he at least suffered no hesitations in *The Age of Uncertainty*: "I think the Wall is a good thing, at least it has maintained the peace."

—Antony Flew
University of Reading
Reading, England

Defensiveness

I have one quibble with Mr. Pfaltzgraff's otherwise splendid treatment of the national defense (December 1981). To seriously suggest a "defense dominance" strategy belies a superficial reading of military history. It is a common error: Even the recent TV special overlooked the fact that the Romans were the winners at Masada.

—James E. Bowers
Wilmington, Delaware

Physician, Nuke Thyself

Having heard Dr. Helen Caldicott speak last summer at a conference on "The Medical Consequences of Nuclear Weapons and Nuclear War" in Chicago, I was interested greatly by the Petr Beckmann article ("Antinuclear Malpractice") in your October issue. I have no basis for agreeing or disagreeing with Mr. Beckmann's assessment that her organization, Physicians for Social Responsibility, represents the "radical Left," but it was obvious the conference strayed from its stated subject matter. It rather resembled something of a gospel meeting in which converts were sought to the cause of nuclear disarmament. Participants, including a speaker, later expressed disappointment in the direction the conference had taken.

By the way, the "Dzh. Ratdzens" referred to in the article probably is George (Dzhordzh) Rathjens, a Defense Department official in the Carter administration who now teaches political science at MIT. He frequently speaks at functions dealing with nuclear energy and nuclear arms.

—Mike Ellis
Indianapolis, Indiana

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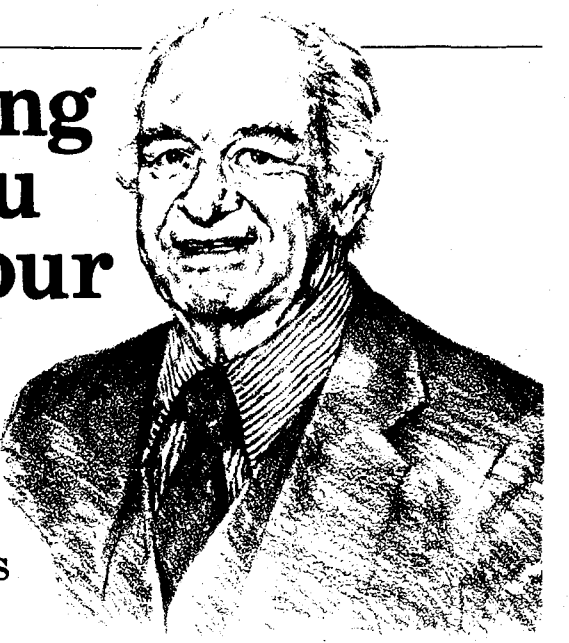

Dr. Linus Pauling, the only person ever to win two Nobel Prizes. In addition, he was awarded the Phillips Medal for Contributions to Internal Medicine, the Baxter award in anesthesiology, the Gold Medal of the French Academy of Medicine, and the Thomas Addis Medal of the American Nephrosis Foundation.

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Now, in an exclusive interview with *Modern Health Report,* Dr. Linus Pauling shows how a simple nutritional program helps prevent cancer and dramatically reduces deaths among those who already have it. Here are excerpts:

MHR: What clinical evidence do you have that your program really works?

Dr. Pauling: "The results were surprising, even to us. A year after having reached the terminal stage of the disease, all but 4 of the 1,000 patients who did not go on the nutritional program had died [a 0.4% survival rate]. On the other hand, 22 of the 100 nutritionally-treated patients were still living [a 22.0% survival rate].

"The 100 [nutritionally-treated] patients had lived on the average more than four times as long as the others . . . Some lived over 20 times longer and no longer showed signs of the malignant disease.

"Also, it was our strong clinical impression that those terminal patients treated [nutritionally] had control of pain [and] more energy . . . They not only lived longer but happier lives as well."

MHR: How does the nutritional program activate your natural defenses against cancer?

Dr. Pauling: "The body's immune system has cells—called T-lymphocyte cells—that attack and chew up the cancer cells. [This program] helps your body produce more of these T-lymphocytes.

"[The program] also helps your body produce 'marker' cells that help the T-lymphocytes spot and destroy cancer cells. And it helps in other ways."

"[One particular nutrient] helps strengthen the connective tissues that hold the body together . . . [This makes it harder for] the cancerous cells to spread to different, distant parts of the body.

"A high intake [of this nutrient] . . . leads to the production of more interferon. Interferon acts in some way that isn't well understood to control cancer.

"So [the nutritional program] works to potentiate every one of these operations of the natural protective mechanisms."

MHR: Do you think, then, that you have a complete answer to cancer?

Dr. Pauling: "No. But cancer mortality can be decreased by at least 10%—even among terminal patients. And that could mean saving 40,000 lives in the course of a year."

What to do

These are brief excerpts from *Modern Health Report's* exclusive interview with Dr. Pauling. In the complete interview, Dr. Pauling gives you the specifics of this nutritional program, including: the key supplements and foods . . . how much of each to take and when to take them . . . and 2 foods to avoid. In addition, he tells you about:

- Three habits that, by themselves, greatly reduce your chances of getting cancer.
- Why this nutritional program alone is not an effective cancer treatment . . . Why, instead, it is a helpful—even essential—supplement to all cancer surgery and almost all other treatments.
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CURRENT WISDOM

The Indianapolis Star

Two perceptive readers respond to Tyrrell's observations of a Russian sub aground:

I can't believe that you would print the column by R. Emmett Tyrrell that appeared in the November 10 editorial page if you thought he was in earnest about the USSR needing our sympathy over the submarine caught spying in Swedish waters.

Surely you meant this to be taken as sarcasm, as a tongue-in-cheek kind of thing. If this is not the way Tyrrell meant it, then he's a despicable traitor. . . .

Let us not be deceived by the "liberals" who are too friendly to the communists.

Elizabeth Milner Lawrence

Is columnist R. Emmett Tyrrell, Jr. for real, or was his column of Nov. 10 written with tongue in cheek?

If he meant what he wrote in this particular column he must be one of the best propagandists Moscow has. No paper should print such garbage!

I know we have freedom of speech and of the press in this country, but to allow such an obvious attack on America, Tyrrell should be forced to forfeit such rights—especially for having such dumb bunk printed in The Star.

Does no one on the paper's staff read these columns before they are printed? Or do they care?

Charles B. Adams Kokomo

[*November 22, 1981*]

The Daily Pennsylvanian

In the student newspaper of the University of Pennsylvania an admirable bull promulgated by *philosophes* employed by the campus housing division of that very same institution of higher learning:

Students are exposed to a variety of experiences at college, which serve as a groundwork for future lifestyle. Residential Living, in conjunction with other offices at the University, is promoting wellness as a concept to help students evaluate their lifestyles. . . .

The six dimensions of wellness are represented on the Residential Living logo. These six dimensions are briefly described below:

1) Intellectual—the degree to which you engage in creative, stimulating, mental activities. An intellectually well person uses the resources available to expand knowledge, to improve skills and to expand the potential for sharing with others.

2) Emotional— the degree to which you have an awareness and acceptance of your feelings. This includes the degree to which you feel positive and enthusiastic about yourself and life. The ability to appropriately control your feelings and to realistically assess your limitations is also important here.

3) Physical—the degree to which you maintain cardiovascular flexibility and strength, work to prevent or detect early illnesses, and choose foods that are healthy and nutritious.

4) Social— the degree to which you contribute to the common welfare of your community. Each of us belongs to a variety of communities (living, family, city, the University, ethnic, etc.). This emphasizes the interdependence with others and with nature.

5) Vocational—the satisfaction gained from your work and the degree to which you are enriched by that work. This includes planning for future vocational choices and decisions.

6) Spiritual—your ongoing involvement in seeking meaning and purpose in human existence. It includes a deep appreciation for the depth and expanse of life and natural forces that exist in the University.

Wellness is a positive approach to living—an approach that emphasizes the whole person. Another aspect of this philosophy is that each person should work on the area or areas that seem most important. It helps to start small . . .

The Department of Residential Living plans to implement the theme of wellness in a number of ways. All RAs attended an in-service training session of wellness, presented by Gary Silverman of the University Counseling Service. Each RA will be structuring at least one program per semester around the wellness theme. This could range from a workshop on test anxiety, to a program on sexuality, to a Sunday afternoon bike ride through Fairmont Park. Many RAs have held "wellness brunches" which have featured foods of high nutritional value.

One example of a highly successful program was presented by the staff of Butcher-Speakman, who invited Dr. Sam Fager, Dr. Mark Lipshitz, and Ms. Chris Lyman from Student Health to speak about wellness as related to their specializations. In addition, the RAs combined their cooking talents to develop a delicious and healthy menu which included zucchini and banana bread, chicken and vegetable stir-fry, cheese and bean casserole, and fresh fruit.

King's Court/English House is planning a Nutrition Week, beginning October 26, which will offer sessions on vitamin needs, mental and physical stress, diets, preservatives and additives in food, relaxation techniques, and how to eat well-balanced meals in University dining halls. High Rise North is offering diabetes and blood pressure screening, and has held a massage workshop, and Harrison House has regular Dancercize classes on Monday, Wednesday, and Thursday evenings at 5:00 p.m. in the rooftop lounge.

There is also a campus-wide committee of RAs, head residents, and professional staff members which will promote the theme on a broader basis. Posters, banners, balloons, and other types of publicity are in the works. The wellness logo, designed by Joe Shirley, a Harnwell RA, is another means of bringing a wide variety of programs and publications under one umbrella.

The concept of wellness has direct and important implications for each of us. To lead productive and satisfying lives, at least some attention to the physical, spiritual, emotional, social, intellectual, and occupational aspects of existence is important.

[*October 27, 1981*]

The News-Press

(Santa Barbara, California)

One hundred and eighteen years since the Emancipation Proclamation, and still the struggle for human liberty continues:

The waterbed makers are mounting a statewide campaign to find waterbed owners who have been denied apartment house tenancy or been evicted because they own a waterbed.

The Waterbed Manufacturers Association wants people who've suffered "landlord discrimination" to call the association in Los Angeles.

[*November 6, 1981*]

The Chicago Tribune

Sacred Scripture made comprehensible for morons:

This summer, for example, Archbishop Raymond G. Hunthausen of Seattle told a group of Lutherans that the Trident submarine weapon system, built in nearby Bangor, Wash., is "the Auschwitz of Puget Sound." The archbishop also declared that it was morally permissible to withhold the portion of personal income tax used for the military, and he called for a unilateral disarmament.

"Nuclear arms protect privilege and exploitation," he said. "Giving them up would mean having to give up economic power over other people. Peace and justice go together. On the path we now follow, our economic policies toward other countries require nuclear weapons. Giving up the weapons would mean giving up more than our means of global terror. It would mean giving up the reason for such terror—our privileged place in the world."

[*October, 1981*]

The Washington Post

Bigotry and know-nothingism espied by a gifted spokesman for one of Washington's sorely oppressed minority groups:

My friends and I were affronted by John Carmody's story about Washington skinheads in Style Nov. 3. How is this kind of snide publicity different from the repulsive anti-Semitic and racist tracts that The Post wouldn't dream of printing?

Allow me to correct:

- Most Washington skinheads in no way emulate or wish to be identified with any group of far-right-wing persuasion. Carmody makes us sound like pseudo-neo-Nazis!
- We are not "pretending" to be skinheads. Our hair is actually very short.
- We do not "worship punk rockers." We are punk rockers.

There are also important differences between Washington skinheads and those of other cities. Most of us in Washington oppose the use of alcohol and other drugs. We are no more violent or aggressive than your average football player, and recent research shows that football players are less aggressive than most people. Slamdancing is noncompetitive and less potentially harmful than many popular competitive sports. I want to point out that when violence has broken out at punk rock concerts and slamdancing events, the skinheads have by and large been the *targets* of violent abuse rather than the perpetrators.

I hope The Post will not print any more articles that could tend to inflame hatred toward any group of people. Our hair styles, musical preferences, mode of dress or way of dancing do not make us fair game. Nor does our age.

—Alec Bourgeois

[*November 14, 1981*]

The Herald-Telephone

(Bloomington, Indiana)

A glimpse into two of the many exciting lives now being led by small-is-beautiful pioneers—in this case Mr. Michael Brereton and Miss Cinde Leistikow, who live in a tepee in the wilds of the Indiana University campus:

Brereton, Leistikow and the friends who occasionally stay with them in the tepee are trying to separate themselves as much as possible from the modern world and establish a closer connection with mother earth and man's distant past. "We need to go back to the old ways we've lost," said Leistikow.

Brereton, a former music major, and Leistikow, a former photography student, have been moving in this direction ever since they terminated their undergraduate education at IU in 1979. Brereton said one of his key motivations in adopting his current lifestyle was an increasing awareness of world hunger.

Leistikow was concerned about that but also strongly motivated by paranoia of the poisons of modern life such as preservatives and plastics, he said. "She wants to be organic."

This lifestyle has been costly for them. "Some of our friends don't want to visit us much—no electric lights or conveniences," said Brereton. . . . The petite and shy Leistikow, her round face framed by light brown hair, said she "sometimes feels separated from people who spend money." But some of the old ways remain. "We eat sugar sometimes and sneak into the Bluebird," she added.

The couple have situated their tepee in the middle of a field leased by the Indiana University Real Estate Department to Bloomington Cooperative Services Inc. for an urban community garden which, until the recent frosts, provided summer vegetables for about 20 urban gardeners. The tepee dwellers now tend some of the remaining plots which produce some cabbages and turnips. They supplement this diet with discarded vegetables and fruit retrieved from grocery store dumpsters around town.

[*November 16, 1981*]

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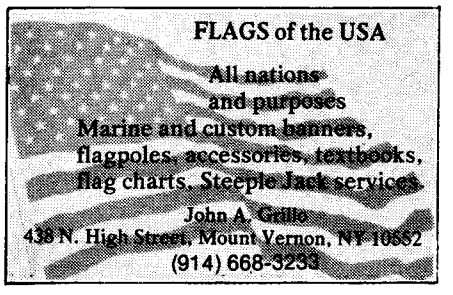
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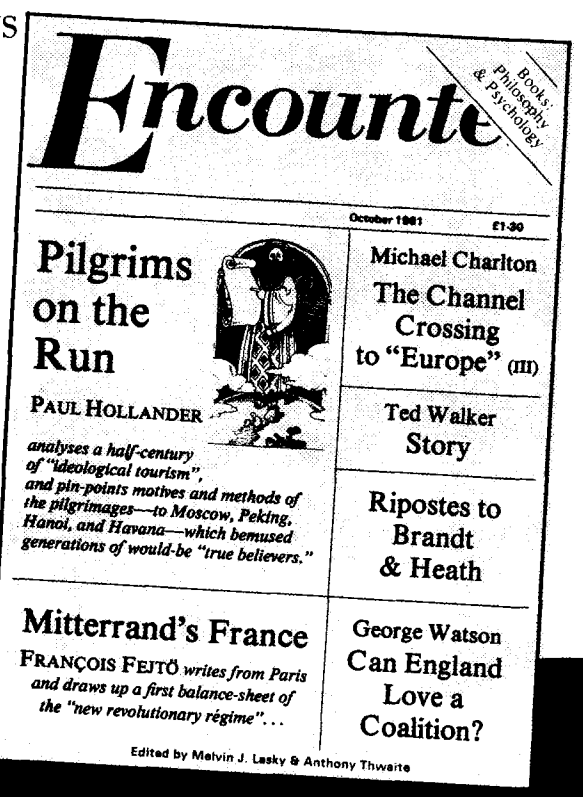
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